
TEXAS REGISTER

Volume 33 Number 42

October 17, 2008

Pages 8631 – 8684

Annaliese M. Fisher



School children's artwork is used to decorate the front cover and blank filler pages of the *Texas Register*. Teachers throughout the state submit the drawings for students in grades K-12. The drawings dress up the otherwise gray pages of the *Texas Register* and introduce students to this obscure but important facet of state government.

The artwork featured on the front cover is chosen at random. Inside each issue, the artwork is published on what would otherwise be blank pages in the *Texas Register*. These blank pages are caused by the production process used to print the *Texas Register*.

Texas Register, (ISSN 0362-4781, USPS 120-090), is published weekly (52 times per year) for \$211.00 (\$311.00 for first class mail delivery) by LexisNexis Matthew Bender & Co., Inc., 1275 Broadway, Albany, N.Y. 12204-2694.

Material in the ***Texas Register*** is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person without permission of the ***Texas Register*** director, provided no such republication shall bear the legend ***Texas Register*** or "Official" without the written permission of the director.

The ***Texas Register*** is published under the Government Code, Title 10, Chapter 2002. Periodicals Postage Paid at Albany, N.Y. and at additional mailing offices.

POSTMASTER: Send address changes to the ***Texas Register***, 136 Carlin Rd., Conklin, N.Y. 13748-1531.



a section of the
Office of the Secretary of State
P.O. Box 13824
Austin, TX 78711-3824
(512) 463-5561
FAX (512) 463-5569

<http://www.sos.state.tx.us>
register@sos.state.tx.us

Secretary of State –
Hope Andrade

Director –
Dan Procter

Staff
Leti Benavides
Dana Blanton
Kris Hogan
Belinda Kirk
Roberta Knight
Jill S. Ledbetter
Juanita Ledesma
Preeti Marasini

IN THIS ISSUE

GOVERNOR

Appointments	8635
--------------------	------

ATTORNEY GENERAL

Request for Opinions	8637
Opinions	8637

PROPOSED RULES

TEXAS HIGHER EDUCATION COORDINATING BOARD

GRANT AND SCHOLARSHIP PROGRAMS

19 TAC §§22.196 - 22.202	8639
--------------------------------	------

ADOPTED RULES

TEXAS EDUCATION AGENCY

ASSESSMENT

19 TAC §101.33	8643
----------------------	------

STUDENT ATTENDANCE

19 TAC §129.1023, §129.1027	8643
-----------------------------------	------

TEXAS FUNERAL SERVICE COMMISSION

LICENSING AND ENFORCEMENT--SPECIFIC SUBSTANTIVE RULES

22 TAC §203.16	8644
----------------------	------

TEXAS PARKS AND WILDLIFE DEPARTMENT

WILDLIFE

31 TAC §§65.318, 65.320, 65.321	8644
---------------------------------------	------

COMPTROLLER OF PUBLIC ACCOUNTS

CENTRAL ADMINISTRATION

34 TAC §1.53, §1.57	8649
---------------------------	------

FUNDS MANAGEMENT (FISCAL AFFAIRS)

34 TAC §5.61	8650
--------------------	------

RULE REVIEW

Proposed Rule Review

Texas Residential Construction Commission	8651
---	------

Adopted Rule Review

Texas Education Agency	8651
------------------------------	------

IN ADDITION

Department of Assistive and Rehabilitative Services

Notice of Consultant Contract Award	8653
Notice of Consultant Contract Award	8653

Comptroller of Public Accounts

Notice of Contract Award	8653
--------------------------------	------

Office of Consumer Credit Commissioner

Notice of Rate Ceilings	8653
-------------------------------	------

Texas Education Agency

Request for Applications Concerning Mathematics Instructional Coaches Pilot Program, Cycle 2, School Years 2009-2010 and 2010-2011	8654
--	------

Request for Applications Concerning the Texas High School Initiative, Intensive Summer Programs Pilot Program, Cycle 2, 2009-2010	8654
---	------

Texas Commission on Environmental Quality

Agreed Orders	8655
Enforcement Orders	8659
Notice of Availability of the Draft Restoration Plan and Environmental Assessment for the Greens Bayou Site in Houston, Harris County, Texas	8664
Notice of District Hearing	8665
Notice of District Petition	8665
Notice of Water Quality Applications	8666
Notice of Water Rights Application	8667
Notice of Water Rights Applications	8667

Texas Facilities Commission

Request for Proposals #303-9-10411	8668
Request for Proposals #303-9-10424	8668

Department of State Health Services

Licensing Actions for Radioactive Materials	8668
---	------

Texas Higher Education Coordinating Board

Request for Offers	8671
--------------------------	------

Texas Department of Insurance

Notice of Public Hearing 2008 Texas Workers' Compensation Biennial Rate Hearing	8672
---	------

Texas Lottery Commission

Instant Game Number 1110 "Maybe It's Your Lucky Day"	8673
--	------

Texas Department of Public Safety

Hazard Mitigation Grant Program (HMGP) FEMA-1791-DR	8676
---	------

Public Utility Commission of Texas

Announcement of Application for an Amendment to a State-Issued Certificate of Franchise Authority	8677
Announcement of Application for an Amendment to a State-Issued Certificate of Franchise Authority	8677
Notice of Application for a Certificate to Provide Retail Electric Service	8677
Notice of Application for Amendment to Service Provider Certificate of Operating Authority	8677
Notice of Application for Approval of Special Amortization	8677

Notice of Application for Designation as a Resale Eligible Telecommunications Provider	8678
Notice of Application for Service Provider Certificate of Operating Authority	8678
Notice of Application for Service Provider Certificate of Operating Authority	8678
Notice of Application for Waiver of Denial of Request for NXX Code	8679
Notice of Application for Waiver of Denial of Request for NXX Code	8679
Notice of Application to Amend Certificated Service Area Boundaries in Guadalupe County, Texas	8679
Notice of Application to Relinquish a Service Provider Certificate of Operating Authority	8679
Notice of Request for Eligible Telecommunications Provider for Uncertificated Areas Pursuant to P.U.C. Substantive Rule §26.421 ..	8680
Public Notice of North Texas Telephone Company's Statement of Intent to Offer a New Service Pursuant to P.U.C. Substantive Rule §26.209(c)	8680

Public Notice of Peoples Telephone Cooperative, Inc.'s Statement of Intent to Offer a New Service Pursuant to P.U.C. Substantive Rule §26.209(c)	8680
Public Notice of Workshops - Oncor Electric Delivery AMS Low Income Program	8681
Request for Proposals for Court Reporting Services	8681

Texas Residential Construction Commission

Applications for Texas Star Builder	8681
---	------

Texas Department of Transportation

Aviation Division - Request for Proposal for Aviation Architectural/Engineering Services	8681
Aviation Division - Request for Proposal for Aviation Architectural/Engineering Services	8682
Aviation Division - Request for Proposal for Aviation Engineering Services	8683

Workforce Solutions Brazos Valley Board

Notice of Release of Request for Proposals for Appeal Hearings Officer(s)	8684
---	------

THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments

Appointments for September 26, 2008

Appointed to the Crime Stoppers Advisory Council for a term to expire September 1, 2012, Jorge E. Gaytan of Houston (replacing Melvin Joyner, Jr. of Wichita Falls whose term expired).

Appointed to the Crime Stoppers Advisory Council for a term to expire September 1, 2012, Emerson Lane, Jr. of Victoria (Mr. Lane is being reappointed).

Appointed to the Crime Stoppers Advisory Council for a term to expire September 1, 2012, Nelda Garcia of Ben Bolt (Ms. Garcia is being reappointed).

Appointed to the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments for a term to expire February 1, 2009, Kathryn Kotrla of Georgetown (replacing Michael Arambula of San Antonio who resigned).

Appointed to the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments for a term to expire February 1, 2013, Lisa Kaufman of Austin (replacing Judy Briscoe of Austin whose term expired).

Appointed to the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments for a term to expire February 1, 2013, Kathy Flanagan of Houston (replacing Ellen Cokinos of Houston whose term expired).

Appointed to the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments for a term to expire February 1, 2013, M. Clara Hernandez of El Paso (replacing Joseph Gutheinz, Jr. of Houston whose term expired).

Appointed to the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments for a term to expire February 1, 2013, Jan Krockner of Houston (Judge Krockner is being reappointed).

Mr. John Bradley will serve as presiding officer of the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments.

Appointments for September 29, 2008

Appointed to the Texas Funeral Services Commission for a term to expire February 1, 2013, Jess Fields, Sr. of Kingwood (replacing Janice Howard of Missouri City whose term expired).

Appointed to the Texas Board of Licensure for Professional Medical Physicists for a term to expire February 1, 2009, Shannon Cox of Austin (Dr. Cox is being reappointed).

Appointed to the Texas Board of Licensure for Professional Medical Physicists for a term to expire February 1, 2011, Rebecca Middleton of De Soto (Dr. Middleton is being reappointed).

Appointed to the Texas Board of Licensure for Professional Medical Physicists for a term to expire February 1, 2011, Philip Bourland of Temple (Dr. Bourland is being reappointed). Dr. Philip Bourland will serve as presiding officer of the board.

Appointed to the Texas Board of Licensure for Professional Medical Physicists for a term to expire February 1, 2011, Kumar Krishen of Seabrook (Dr. Krishen is being reappointed).

Appointed to the Texas Board of Licensure for Professional Medical Physicists for a term to expire February 1, 2013, Kenneth Krieger of Fort Worth (replacing Adrian LeBlanc of Fort Worth whose term expired).

Appointed to the Texas Board of Licensure for Professional Medical Physicists for a term to expire February 1, 2013, Richard Wendt, III of Bellaire (Dr. Wendt is being reappointed).

Appointed to the State Employee Charitable Campaign Policy Committee for a term to expire January 1, 2010, Jason Kevin Patteson of Austin (replacing David Standlee, Sr. of Huntsville whose term expired).

Appointed to the State Employee Charitable Campaign Policy Committee for a term to expire January 1, 2010, Deryl S. Creekmur of Austin (Ms. Creekmur is being reappointed).

Appointed to the State Employee Charitable Campaign Policy Committee for a term to expire January 1, 2010, Mildred Gay Dodson of Round Rock (Ms. Dodson is being reappointed).

Appointed to the State Employee Charitable Campaign Policy Committee for a term to expire January 1, 2010, Veronda Durden of Round Rock (Ms. Durden is being reappointed).

Appointments for September 30, 2008

Appointed to the Upper Guadalupe River Authority Board of Directors for a term to expire February 1, 2013, Michael L. Allen of Kerrville (replacing Ronnie Pace of Kerrville whose term expired).

Appointed to the Upper Guadalupe River Authority Board of Directors for a term to expire February 1, 2013, Scott Schreiner Parker of Kerrville (replacing Mollie Maresh of Hunt whose term expired).

Appointed to the Upper Guadalupe River Authority Board of Directors for a term to expire February 1, 2013, Claudell Kercheville of Kerrville (replacing A.L. Starkey of Kerrville whose term expired).

Rick Perry, Governor

TRD-200805336



THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following:
Requests for Opinions, Opinions, Open Records Decisions.

An index to the full text of these documents is available from
the Attorney General's Internet site <http://www.oag.state.tx.us>.

Telephone: 512-936-1730. For information about pending requests for opinions, telephone 512-463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <http://www.oag.state.tx.us/opinopen/opinhome.shtml>.)

Request for Opinions

RQ-0743-GA

Requestor:

The Honorable John J. Carona
Chair, Committee on Transportation and Homeland Security
Texas State Senate
Post Office Box 12068
Austin, Texas 78711

Re: Conditions under which a foreign commercial motor vehicle is exempt from registration in this state (RQ-0743-GA)

Briefs requested by November 3, 2008

RQ-0744-GA

Requestor:

The Honorable Sid Miller
Chair, Committee on Agriculture & Livestock
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Re: Whether a state university that charges its students a medical services fee, or its equivalent, may use a portion of that fee as a prepaid co-payment (RQ-0744-GA)

Briefs requested by November 3, 2008

RQ-0745-GA

Requestor:

The Honorable Elizabeth Murray-Kolb
Guadalupe County Attorney
101 East Court Street, Suite 104
Seguin, Texas 78155

Re: Whether a municipality engaged in the process of annexing territory may use section 43.052(h)(1), Local Government Code, under various circumstances (RQ-0745-GA)

Briefs requested by October 31, 2008

RQ-0746-GA

Requestor:

The Honorable Elton R. Mathis
Waller County Criminal District Attorney
846 Sixth Street, Suite #1
Hempstead, Texas 77445

Re: Eligible reimbursements for the court reporter for the 506th District Court (RQ-0746-GA)

Briefs requested by November 3, 2008

For further information, please access the website at www.oag.state.tx.us or call the Opinion Committee at (512) 463-2110.

TRD-200805332

Stacey Napier
Deputy Attorney General
Office of the Attorney General
Filed: October 8, 2008



Opinions

Opinion No. GA-0667

The Honorable Sherri K. Tibbe
Hays County Criminal District Attorney
110 East Martin Luther King
San Marcos, Texas 78666

Whether a county bail bond board may suspend or revoke an individual surety's license for that licensee's activity relating to an out-of-county bond (RQ-0700-GA)

S U M M A R Y

A county bail bond board may revoke or suspend the license of a bail bond surety licensed in that county if the surety violates chapter 1704 of the Occupations Code or a rule adopted under that chapter on a bond executed in that county on a warrant issued by another county.

Opinion No. GA-0668

The Honorable Jeff Wentworth
Chair, Committee on Jurisprudence
Texas State Senate

Post Office Box 12068
Austin, Texas 78711-2068

Re: Whether certain posted agenda items satisfy the notice requirements of the Open Meetings Act, chapter 551, Government Code (RQ-0696-GA)

S U M M A R Y

The notice at issue does not sufficiently notify a reader, as a member of the interested public, of the subjects to be addressed at a meeting subject to the Open Meetings Act, Government Code chapter 551.

Section 551.042 of the Act authorizes a limited response to inquiries of a member of the public or of the governmental body about a subject not included in the posted notice. To the extent that a subject is addressed

by a city manager or a member of the governing body in the manner and under the circumstances authorized under section 551.042, it does not have to be included in a posted meeting notice.

For further information, please access the website at www.oag.state.tx.us or call the Opinion Committee at (512) 463-2110.

TRD-200805331

Stacey Napier

Deputy Attorney General

Office of the Attorney General

Filed: October 8, 2008

◆ ◆ ◆

PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~[Square brackets and strikethrough]~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 22. GRANT AND SCHOLARSHIP PROGRAMS

SUBCHAPTER K. PROVISIONS FOR SCHOLARSHIPS FOR STUDENTS GRADUATING IN THE TOP 10 PERCENT OF THEIR HIGH SCHOOL CLASS

19 TAC §§22.196 - 22.202

The Texas Higher Education Coordinating Board proposes new §§22.196 - 22.202, concerning Provisions for Scholarships for Students Graduating in the Top 10 Percent of Their High School Class. House Bill 1, General Appropriations Act of the 80th Texas Legislature, §55, (III-58), instructs the Coordinating Board to develop, in conjunction with the Governor's Office, a program to provide scholarships for undergraduate students who have graduated in the top 10 percent of their high school graduating class from an accredited Texas high school. The new sections establish definitions, identify the eligibility requirements for the scholarships, and set the award amounts and selection criteria for the program. Scholarships will be awarded for the 2009-2010 academic year. The Governor's Office and the Coordinating Board staff reached agreement on these proposed rules after extensive discussions. The legislation requires that the scholarship program be in place and the funds distributed by the end of fiscal year 2009.

Lois Hollis, Senior Assistant to the Deputy Commissioner for Business and Finance/Chief Operating Officer, has determined that for each year of the first five years the sections are in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Ms. Hollis has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be that more high school graduates within the top 10 percent of their high school graduating classes will attend a public college or university in Texas. There is no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the sections as proposed. There is no impact on local employment.

Comments on the proposal may be submitted to Lois Hollis, P.O. Box 12788, Austin, Texas 78711, (512) 427-6465, lois.hollis@thehb.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under the Texas Education Code, §61.027, which provides the Coordinating Board with general rule-making authority, and Article III of the General Appropriations Act of the 80th Texas Legislature.

The new sections affect §61.027 and Article III of the General Appropriations Act of the 80th Texas Legislature.

§22.196. Authority and Purpose.

(a) Authority. Authority for this subchapter is provided in House Bill 1, General Appropriations Act of the 80th Texas Legislature, §55, (III-58).

(b) Purpose. The purpose of this program is to encourage outstanding high school graduates who graduate within the top 10 percent of their high school graduating classes to attend a public college or university in Texas.

§22.197. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Accredited High School--A high school that is accredited by the Texas Education Agency or recognized by the Texas Private School Accreditation Commission.

(2) Board--The Texas Higher Education Coordinating Board.

(3) Board Staff--The staff of the Texas Higher Education Coordinating Board.

(4) Cost of attendance--A Board Staff-approved estimate of the expenses incurred by a typical student in attending a particular college. It includes direct educational costs (tuition, fees, books, and supplies) as well as indirect costs (room and board, transportation, and personal expenses).

(5) Expected Family Contribution (EFC)--The amount of discretionary income that should be available to a student from his or her resources and that of his or her family, as determined following the federal methodology.

(6) Financial need--For this program, financial need is the cost of attendance less the expected family contribution less the Pell Grant eligibility amount. The cost of attendance and family contribution are to be determined in accordance with Board guidelines.

(7) Full-time enrollment--Enrollment of at least 12 semester credit hours.

(8) Institution of Higher Education--Any public technical institute, public junior college, public senior college or university, medical or dental unit or other agency of higher education as defined in Texas Education Code, §61.003(6).

(9) Pell Grant--Educational federal grant program sponsored by the U.S. Department of Education. Grants are awarded based on a "financial need" formula determined by the U.S. Congress using criteria submitted through the Free Application for Federal Student Aid (FAFSA).

(10) Program Officer--The individual named by each participating institution's chief executive officer to serve as agent for the Board. The Program Officer has primary responsibility for all ministerial acts required by the program, including maintenance of all records and preparation and submission of reports reflecting program transactions. Unless otherwise indicated by the administration, the director of student financial aid shall serve as Program Officer.

(11) Recommended or Distinguished Achievement High School Program--The high school college preparatory curriculum required under Texas Education Code §28.025(a).

(12) Resident of Texas--A resident of the State of Texas as determined in accordance with Chapter 21, Subchapter B of this title (relating to Determination of Resident Status and Waiver Programs for Certain Nonresident Persons). Nonresident students eligible to pay resident tuition rates are not included.

(13) Scholarship--An award of gift aid that does not have to be repaid by the student or earned through service or performance.

(14) Shortage fields--Workforce fields where there are a shortage of qualified workers as determined by the Commissioner of Higher Education.

§22.198. Relevant Institutions.

The provisions of this subchapter apply to persons attending any Texas institution of higher education.

§22.199. Eligible Students.

To qualify for an award through this subchapter, a student must:

(1) have graduated from an accredited high school in Texas while ranked in the top 10 percent of his or her graduating class (based on the student's ranking at the end of his or her seventh semester unless an institution of higher education uses a different semester in determining eligibility for admissions);

(2) have completed the Recommended or Distinguished Achievement High School Program in an accredited high school or its equivalent;

(3) complete the Free Application for Federal Student Aid (FAFSA);

(4) have unmet financial need when using the formula "Cost of Attendance minus EFC minus Pell Grants;"

(5) enroll in an institution of higher education in Texas the fall semester immediately following high school graduation;

(6) be a Texas resident; and

(7) be enrolled full-time.

§22.200. Award Amounts and Recipient Selection.

(a) Funding. The statewide aggregate of funds awarded may not exceed the amount appropriated for that purpose.

(b) Award Amount. Award amounts through this program may not exceed \$2,000 unless the student is classified as a junior or senior at a public institution in Texas with a declared major in a shortage field and meets the satisfactory academic progress requirements outlined in §22.201 of this title (relating to Satisfactory Academic Progress), in which case the student may be eligible for a bonus of \$2,000 to the

extent funds are available for such. The total award amount for students with declared majors in shortage fields may not exceed \$4,000.

(c) Recipient Selection. Each high school will submit applications from students who are determined to be ranked in the top 15 percent of their high school graduating class based on the students ranking at the end of his or her sixth semester. Award eligibility will be based on each student's ranking at the end of his or her seventh semester unless an institution of higher education uses a different semester's ranking in determining eligibility for admissions.

§22.201. Satisfactory Academic Progress.

(a) To the extent funds are available, students may receive continuation awards if they meet the satisfactory academic progress requirements outlined in this section.

(b) Unless qualifying for an exception in keeping with subsection (d) of this section, to qualify for an award in a subsequent year, each recipient of the Top 10 Percent Scholarship shall meet the following academic progress requirements as of the end of his or her most recent academic year:

(1) complete at least 75 percent of the hours attempted in his or her most recent twelve-month academic year, as determined by institutional policies;

(2) complete at least 30 semester credit hours in his or her most recent twelve-month academic year; and

(3) maintain an overall grade-point average of at least 3.25 on a four-point scale or its equivalent for all coursework completed at his or her current institution of higher education. A recipient who does not meet the academic progress requirements of his or her institution may not receive an award until the institution has determined that the student has raised his or her academic performance and program requirements have been met.

(c) For students with declared majors in shortage areas at the end of the sophomore and junior year, each recipient of the Top 10 Percent Scholarship shall meet the following academic progress requirements to qualify for a subsequent award to the extent funds are available for such:

(1) complete at least 75 percent of the hours attempted in his or her most recent twelve-month academic year, as determined by institutional policies;

(2) complete at least 30 semester credit hours in his or her most recent twelve-month academic year; and

(3) maintain an overall grade-point average of at least 3.0 on a four-point scale or its equivalent for all coursework completed at his or her current institution of higher education. A recipient who does not meet the academic progress requirements may not receive an award until the institution has determined that the student has raised his or her academic performance and program requirements have been met.

(d) A grant recipient who is below program grade-point average requirements as of the end of a spring or summer term may appeal his or her grade-point average calculation if he or she has taken courses previously at one or more different institutions. In the case of such an appeal, the current institution (if presented with transcripts from the previous institutions) shall calculate an overall grade-point average, counting all classes and grade points previously earned. If the resulting grade-point average exceeds the program's academic progress requirement, a student may receive an award in the following fall term.

(e) Unless granted a hardship postponement in accordance with subsection (f) of this section, a student's eligibility for a Top 10 Percent Scholarship ends four years from the start of the semester or

term in which the student received his or her first disbursement of an initial Top 10 Percent award.

(f) In the event of a hardship or for other good cause, the program officer at an eligible institution may allow an otherwise eligible person to receive a Top 10 Percent Scholarship award while the student's grade-point average or completion rate or number of completed hours falls below the satisfactory academic progress requirements of subsection (a) or (b) of this section. Such conditions are not limited to, but include:

(1) a showing of a severe illness or other debilitating condition that may affect the student's academic performance;

(2) an indication that the student is responsible for the care of a sick, injured, or needy person and that the student's provision of care may affect his or her academic performance; or

(3) the requirement of fewer than twelve hours to complete one's degree plan.

(g) The program officer may grant an extension of the year limits found in subsection (c) of this section in the event of hardship. Documentation justifying the extension must be kept in the student's files and the institution must identify students granted extensions and the length of their extensions to the Board Staff so that it may appropriately monitor each student's period of eligibility.

(h) Each institution shall adopt a hardship policy under this section and have the policy available in writing in the financial aid office for public review upon request.

§22.202. Processing and Awarding Cycle.

(a) The Board Staff is responsible for publishing and disseminating general information and program rules for the program described in this subchapter.

(b) Institutions of higher education will be responsible for collecting information necessary to identify eligible students. All eligible students must be notified of their awards on their financial aid award letter/notification.

(c) Form of Award: Institutional Reimbursement. Institutions shall exempt recipients from the payment of tuition and fees (up to the amount of the scholarship) and then request reimbursement from the Board Staff.

(d) Requesting Reimbursements. To request reimbursement for student awards, institutions must complete and submit a Request for Reimbursement Form designed and distributed by the Board Staff.

(e) Disbursements by the Board Staff. The Board Staff will process institutional Requests for Reimbursement at least once a month and will subsequently have appropriate amounts transferred to institutions or the institutions' fiduciary agents by the State Comptroller's office.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 6, 2008.

TRD-200805311

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Proposed date of adoption: January 29, 2009

For further information, please call: (512) 427-6114

◆ ◆ ◆

ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 101. ASSESSMENT

SUBCHAPTER B. DEVELOPMENT AND ADMINISTRATION OF TESTS

19 TAC §101.33

The State Board of Education (SBOE) adopts an amendment to §101.33, concerning release of tests. The amendment is adopted without changes to the proposed text as published in the August 15, 2008, issue of the *Texas Register* (33 TexReg 6504) and will not be republished. The section addresses the required release of state assessment instruments. The adopted amendment implements Senate Bill (SB) 1031, 80th Texas Legislature, 2007, which requires the Texas Education Agency (TEA) to release state assessment instruments every three years under rules adopted by the SBOE.

Section 101.33 was adopted to be effective November 15, 2001. In September 2003, the SBOE adopted an amendment to 19 TAC §101.33 to comply with requirements set forth in House Bill 3459, 78th Texas Legislature, 2003, requiring the release of assessment items every other year. In May 2004, the SBOE adopted an amendment to 19 TAC §101.33 requiring the release of all tests for the Texas Assessment of Knowledge and Skills (TAKS), State-Developed Alternative Assessment (SDAA), and the Reading Proficiency Tests in English (RPTE) in the 2003-2004 school year and in every even-numbered year thereafter. In December 2005, the SBOE adopted an amendment to 19 TAC §101.33 to require the release of the SDAA II tests and answer keys beginning in 2005 and subsequent odd-numbered years.

The 80th Texas Legislature enacted SB 1031 in 2007. Among its many provisions, the bill amends TEC, §39.023(e), requiring the TEA to release state assessment instruments every three years under rules adopted by the SBOE. Language in the current rule requires the TEA to release certain assessments every other year. The adopted amendment adds language to specify that all test items and answer keys for assessments authorized under the TEC, §39.023(a), (b), (c), (d), or (l), will be released every third year beginning in 2009 with the 2008-2009 school year. The adopted amendment also addresses the release of field test items.

The Texas Education Agency determined that the amendment will have no direct adverse economic effect for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

No comments were received regarding the proposed amendment.

In accordance with the Texas Education Code, §7.102(f), the SBOE approved this rule action for final adoption by a vote of more than two-thirds of its members to specify an effective date earlier than the beginning of the 2009-2010 school year. The earlier effective date is necessary to allow the new release schedule to be implemented beginning in 2009 with the 2008-2009 school year. The effective date of the adopted new section is 20 days after filing as adopted.

The amendment is adopted under the Texas Education Code, §39.023(e), which authorizes the State Board of Education to adopt rules relating to the release of certain statewide assessments and answer keys every third year.

The amendment implements the Texas Education Code, §39.023(e).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 1, 2008.

TRD-200805292

Cristina De La Fuente-Valadez

Director, Policy Coordination

Texas Education Agency

Effective date: October 21, 2008

Proposal publication date: August 15, 2008

For further information, please call: (512) 475-1497



CHAPTER 129. STUDENT ATTENDANCE

SUBCHAPTER AA. COMMISSIONER'S RULES

19 TAC §129.1023, §129.1027

The Texas Education Agency (TEA) adopts amendments to §129.1023 and §129.1027, concerning student attendance. The amendments are adopted without changes to proposed text as published in the August 8, 2008, issue of the *Texas Register* (33 TexReg 6266) and will not be republished. Section 129.1023 addresses provisions related to student attendance accounting standards. Section 129.1027 establishes requirements for the Optional Flexible School Day Program (OFSDP). The adopted amendment to §129.1023 corrects a statutory reference. The adopted amendment to §129.1027 removes the requirement that applications for OFSDP be submitted 90 days before the start date of the program, deletes an expired provision, and makes minor technical corrections throughout the rule.

Through 19 TAC §129.1023, adopted to be effective May 10, 2001, the commissioner exercised rulemaking authority relating to student attendance accounting standards. In accordance with the Texas Education Code (TEC), §42.004, the rule requires school districts to adhere to the student attendance accounting standards established under 19 TAC §129.21 and the TEC, §42.004. The rule also establishes how the standards are disseminated and what aspects of attendance accounting they cover. In addition, the rule allows Foundation School Program allotments to be revised as a result of TEA investigations of student attendance accounting data.

As a result of the rule review conducted in June 2008, an amendment to §129.1023, Student Attendance Accounting Standards, is adopted to correct a statutory reference in subsection (b).

Through 19 TAC §129.1027, adopted to be effective July 4, 2007, the commissioner exercised rulemaking authority relating to the OFSDP. In accordance with the TEC, §29.0822, the rule establishes definitions, describes the program's application process, and explains program requirements related to student eligibility, student attendance, funding, program operation, district performance reviews, and program evaluation. The rule also describes the terms for revocation or denial of renewal of program authorization.

As a result of the rule review conducted in June 2008, an amendment to §129.1027, Optional Flexible School Day Program, is adopted to reflect updates to the program. The updates include the removal of the requirement in subsection (c) that applications for the OFSDP be submitted 90 days before the start date of the program and the deletion of an expired provision in subsection (c) specific to the 2006-2007 school year. In addition, subsection (a) is renumbered to reflect the deletion of two definitions, and minor technical corrections are made throughout the section to correct references and word usage.

The TEA determined that the amendments will have no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

The public comment period on the proposal began August 8, 2008, and ended September 8, 2008. No public comments were received.

The amendments are adopted under the TEC, §29.0822, which authorizes the commissioner to adopt rules to administer the Optional Flexible School Day Program, and §42.004, which authorizes the commissioner, in accordance with rules of the State Board of Education, to take such action and require such reports consistent with TEC, Chapter 42, as may be necessary to implement and administer the Foundation School Program.

The adopted amendments implement the TEC, §29.0822 and §42.004.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 3, 2008.
TRD-200805305

Cristina De La Fuente-Valadez
Director, Policy Coordination
Texas Education Agency
Effective date: October 23, 2008
Proposal publication date: August 8, 2008
For further information, please call: (512) 475-1497



TITLE 22. EXAMINING BOARDS

PART 10. TEXAS FUNERAL SERVICE COMMISSION

CHAPTER 203. LICENSING AND ENFORCEMENT--SPECIFIC SUBSTANTIVE RULES

22 TAC §203.16

The Texas Funeral Service Commission (commission) adopts an amendment to 22 TAC §203.16, regarding requirements relating to embalming. The amendment is adopted without changes to the proposed text as published in the July 11, 2008, issue of the *Texas Register* (33 TexReg 5462) and will not be republished.

The amendment revises the minimum standards of performance for the embalming of a dead human body.

The commission received no comments regarding the proposal.

The amendment is adopted under Texas Occupations Code, §651.152. The commission interprets §651.152 as authorizing it to adopt rules as necessary to administer Chapter 651.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 1, 2008.

TRD-200805285
O. C. Robbins
Executive Director
Texas Funeral Service Commission
Effective date: October 21, 2008
Proposal publication date: July 11, 2008
For further information, please call: (512) 936-2466



TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 65. WILDLIFE

SUBCHAPTER N. MIGRATORY GAME BIRD PROCLAMATION

31 TAC §§65.318, 65.320, 65.321

The Texas Parks and Wildlife Department (the department) adopts amendments to §§65.318, 65.320, and 65.321, concerning the Migratory Game Bird Proclamation. Section 65.318,

concerning Open Seasons and Bag and Possession Limits--Late Season, is adopted with changes to the proposed text as published in the June 27, 2008, issue of the *Texas Register* (33 TexReg 4965). Section 65.320 and §65.321 are adopted without changes and will not be republished.

The proposal published on June 27, 2008 also included proposed amendments to §§65.310, 65.315, and 65.319, in addition to the proposed amendments to §§65.318, 65.320 and 65.321. As authorized by Parks and Wildlife Code, §64.022, the executive director adopted amendments to §§65.310, 65.315 and 65.319 by Executive Order 08-004, entered July 29, 2008, published in the August 15, 2008, issue of the *Texas Register* (33 TexReg 6593).

The change to §65.318, concerning Open Seasons and Bag and Possession Limits--Late Season, alters the dates for the goose seasons in the Western Zone. The proposed season for light geese in the Western Zone was from November 1 to February 8, and the proposed season for dark geese was from November 1 to February 3. Those seasons as adopted will run from November 8 to February 8. The change is necessary because the federal frameworks issued by the U.S. Fish and Wildlife Service (Service) in August 2008 limit the season for light-fronted geese in the Western Zone to no more than 95 days and the light goose conservation season cannot begin until all other migratory seasons are closed; therefore, the seasons for both light and dark geese will end on February 8, 2009.

The amendment to §65.318 adjusts the season dates for late-season species of migratory game birds (ducks, mergansers, coots, geese, and sandhill cranes) and adjusts the youth-only waterfowl season to account for calendar-shift. The amendment is necessary to provide the public with the continued opportunity to hunt migratory game birds.

The amendment to §65.320, concerning Extended Falconry Season--Late Season Species, adjusts season dates for the take of late-season species of migratory game birds (ducks, coots and mergansers) by means of falconry, also to reflect calendar shift. The amendment is necessary to provide continued hunting opportunity to persons hunting migratory game birds by means of falconry.

The amendment to §65.321, concerning Special Management Provisions, adjusts the dates for the conservation season on light geese to account for both calendar shift and the adjustment of season dates in the West Goose Zone resulting from changes in the crane season in Zones A and B.

The amendments are generally necessary to implement commission policy to provide the greatest hunter opportunity possible, consistent with hunter preference for season starting dates and segment lengths, under frameworks issued by the Service.

The amendment to §65.318 will function by establishing the seasons and bag limits for the hunting of late-season species of migratory game birds.

The amendment to §65.320 will function by establishing the season length and bag limits for the take of late-season species of migratory game birds by means of falconry.

The amendment to §65.321 will function by establishing the seasons and bag limits for the hunting light geese during the light goose conservation season.

The department received 23 comments opposed to the adoption of the proposed seasons for ducks, coots, and mergansers. Of

the 23 comments, 19 offered a specific reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, are as follows. The department notes that season structures for ducks, coots and mergansers have historically been based on hunter preference where it does not conflict with biological management or federal law.

One commenter opposed adoption and stated that if the department is concerned about breeding populations of any species, there should be a moratorium on hunting until the populations are recovered. The department agrees that appropriate management measures should be implemented when biological indices reflect the need to do so, but disagrees that season closures at the current time are warranted for any species. The department also notes that seasons and bag limits are selected from a federal framework that is based on the best and most current biological data available and designed to protect all species from overharvest. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the seasons should be run as late as federal frameworks allow. The commenter stated that the duck season should open on November 8 and there should be a split season from December 1 to December 7. The department disagrees with the comment and responds that under the federal frameworks, Texas is provided with 74 days of duck-hunting opportunity between September 20 and January 25. Hunter surveys and public comment historically indicate a preference for 1) a split season, to allow duck populations to congregate without being subjected to hunting pressure, 2) hunting opportunity over the Thanksgiving and Christmas holiday seasons, and 3) a winter segment that runs to the final day of the framework. If the duck season were to begin on November 8 and the split was limited to the first week in December, ducks would be rested for only five days before being hunted again and hunters would lose two days of opportunity (because the season must end January 25). The rule as adopted represents the department's best effort to satisfy the three listed criteria. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the bag limit should be increased to six ducks based upon his observations from last year. The commenter stated that there were a lot of ducks last year, and some states such as California adjusted bag limits accordingly. The department disagrees with the commenter and responds that Texas has selected the highest bag limit allowable under the federal frameworks and that California is in the Pacific Flyway subject to different federal frameworks containing different options. No changes were made as a result of the comment.

Three commenters opposed adoption and stated that the Hunters Choice season structure should be eliminated. The department disagrees with the comment and responds that the Hunter's Choice is in the second year of a three-year trial period, and Texas is compelled under the federal framework to continue the Hunter's Choice structure for at least one more year. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the December split should be eliminated. The commenter stated that split should be in November before Thanksgiving or the season should start November 15 and run continuously through January 25. The department disagrees with the comment and responds that hunter preference historically has been for a winter segment that runs to the end of the framework. An earlier split would result in season closure on January 23, leaving two days until

the end of the season framework. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the daily bag limit should be increased by two while retaining the limitations on species of concern. The department disagrees with the comment and responds that the bag limits as adopted are the maximum allowable under the federal frameworks issued by the Service.

One commenter opposed adoption and stated that the bag composition under the Hunters Choice should allow one pintail and one canvasback, rather than the choice of one pintail or one canvasback. The department disagrees with the comment and responds that the bag composition under the Hunter's Choice structure is mandatory under federal law. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that the season should start later and be extended into the first weekend of February. The department disagrees with the comments and responds that federal frameworks do not allow for duck hunting in Texas after January 25. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the season split should be later in the season. The department disagrees with the comment and responds that hunter preference has historically been for the split to occur between Thanksgiving and Christmas, which allows for hunting during both holidays and a time period for ducks to rest and congregate between the holidays. Delaying the split would confound hunter preference. No changes were made as a result of the comment. One commenter opposed adoption and stated that the second split should start on December 20 and run through February 1. The commenter stated that because of mild winters, large numbers of birds were not appearing until later in the season. The department disagrees with the comment and responds that under federal frameworks issued by the Service, duck hunting seasons in Texas must close by January 25. The department also notes that although migration behavior is highly variable and dependent upon factors that change from year to year and cannot be accurately predicted or controlled, such as weather, the adopted seasons are based on biological trend data such as migration chronologies that provide a rough idea of when birds will be present in huntable numbers. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the proposed opening forces deer hunters to either give up hunting ducks or give up hunting deer. The department disagrees with the comments and responds that under federal frameworks, the department is authorized to provide 74 days of duck hunting opportunity between September 20 and January 25. Hunter surveys and public comment indicate a preference for 1) a split season, to allow duck populations to congregate without being subjected to hunting pressure, 2) hunting opportunity over the Thanksgiving and Christmas holiday seasons, and 3) a winter segment that runs to the final day of the framework. The rule as adopted represents the department's best effort to satisfy these criteria. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the Hunter's Choice structure hurts hunters in areas where there are large numbers of pintails, canvasbacks and dusky ducks. The department disagrees with the comment and responds that the Hunter's Choice structure is intended to avoid the impacts of

truncated seasons for pintails and canvasbacks. The Service is concerned about declines in pintail numbers and has established closed and shortened seasons in the past due to overall declining numbers. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the season should open on November 1, close November 16, reopen on November 29 and run through January 25. The commenter also stated that the take of hens in species of concern should be prohibited. The department disagrees with the comment and responds that federal frameworks do allow for the take of hens in the current season structure. There is no biological data that suggest that harvest of females has negative influences on populations with the current season structure. A split as described would not allow hunting opportunity during the Thanksgiving holidays, a time that is important to waterfowl hunters. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the season should end on February 1. The department disagrees with the comment and responds that under the federal frameworks issued by the Service, all duck seasons in Texas must be closed by January 25. No changes were made as a result of the comment.

One commenter opposed adoption and stated that season should start in mid-November and run through the second week of February. The department disagrees with the comment and responds that under the federal frameworks issued by the Service, all duck seasons in Texas must be closed by January 25.

The department received 62 comments in support of adoption of the proposed amendment.

The department received 21 comments opposed to the adoption of the proposed goose seasons. Of the 21 comments, 19 offered a specific reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, are as follows. The department notes that goose season structures have historically been based on hunter preference where it does not conflict with biological management or federal law.

One commenter opposed adoption and stated that the bag limits should be the same in both zones. The department disagrees with the comment and responds that the bag limits adopted in each zone provide the best hunting opportunity when geese are most available based on historical patterns. No changes were made as a result of the comment.

Thirteen commenters opposed adoption and stated that the season for white-fronted geese should close at the same time as other goose seasons, even if it means starting the season later or having a split. The department disagrees with the comments and responds that although federal rules allow the department to start the season for white-fronted geese at a date later than that adopted, the dates adopted were selected because white-fronted geese are early arrivals and offer additional hunting opportunity during the duck season. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that there are too few hunters in early November to justify having the white-fronted goose season open that early, that those days are wasted because most people are hunting deer at that time and do not begin goose hunting until the snow geese and Canada geese begin arriving in January, and that white-fronted geese are acciden-

tally killed by people shooting at other species. The department disagrees with the comment and responds that the migratory patterns of white-fronted geese typically cause them to arrive in present in huntable numbers in early November. There are many times during the year when seasons for various species overlap, confronting hunters with the choice of which species to pursue. Misidentification can occur at any time and is not dependent on the time of year; however, the department believes that huntable species of migratory birds are differentiable enough to prevent hunter confusion. No changes were made as a result of the comment.

One commenter opposed adoption and stated that goose seasons should be concurrent with duck seasons and that the conservation season should be held during the split. The department disagrees with the comment and responds that federal law requires all migratory bird seasons to be closed before the conservation season can be opened. In order to hold a conservation season during a duck/goose season split, the department would also have to close the season for sandhill cranes, which would result in reduced hunting opportunity. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the bag limit for Canada geese should be increased. The department disagrees with the comment and responds that the bag limit as adopted is the maximum bag limit possible under the federal frameworks issued by the Service. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there should be a split season for white-fronted geese so that they could be hunted into January. The department disagrees with the comment and responds that the season structure as adopted takes advantage of the migratory chronology of white-fronted geese, which tend to arrive in Texas in huntable numbers in early November. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the season for white-fronted geese should run later, because no one wants to hunt ducks or geese after the season for white-fronted geese is closed. The department disagrees with the comment and responds that the season structure as adopted takes advantage of the migratory chronology of white-fronted geese, which tend to arrive in Texas in huntable numbers in early November. The department also responds that there is no evidence to suggest that the number of duck hunters or the total duck hunting effort is significantly affected by the closure of white-fronted goose season. The department also responds that hunters prefer to be able to hunt ducks concurrently with white-fronted geese. No changes were made as a result of the comment.

One commenter opposed adoption and stated that goose seasons should open on the 15th and the season for white-fronted geese should run one week longer. The department disagrees with the comment and responds that the season structure as adopted takes advantage of the migratory chronology of white-fronted geese, which tend to arrive in Texas in huntable numbers in early November. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the bag limit for snow geese should be reduced because hunters are shooting at everything and the geese are harder to kill during the conservation season. The department disagrees with the comment and responds that commission policy is to provide the most lib-

eral bag limits possible under the federal frameworks issued by the Service. No changes were made as a result of the comment.

The department received 49 comments supporting adoption of the proposed amendment.

The department received 10 comments opposed to the adoption of the proposed sandhill crane seasons. Of the 10 comments, 8 offered a specific reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, are as follows. The department notes that crane season structures have historically been based on hunter preference where it does not conflict with biological management or federal law.

One commenter opposed adoption and stated that bag limits should be the same in all zones. The department disagrees with the comment and responds that the bag limits for sandhill cranes in each zone are the maximum allowable under the federal frameworks issued by the Service. Therefore, equalization of bag limits across the state would mean reducing the bag limits in Zone A and Zone B, which would be contrary to the commission policy of providing the most liberal bag limits possible. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that the season in Zone C should be as long as the seasons in the other zones, even if that means starting the conservation season later. The department disagrees with the comment and responds that the federal frameworks issued by the Service limit Zone C to a season not to exceed 37 days, whereas other zones are allowed 93 days of hunting between September 1 and February 28. The department also notes that the Endangered Species Act requires states to limit any human activity considered hazardous to endangered species, including recreational hunting of similar-appearing migratory game birds. A significant number of endangered whooping cranes, which have characteristics similar to sandhill cranes, are typically still in migration to the Aransas National Wildlife Refuge through the beginning of December. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the season in Zone C should open concurrently with the season in Zone B. The department disagrees with the comment and responds that the Endangered Species Act requires states to limit any human activity considered hazardous to endangered species, including recreational hunting of similar-appearing migratory game birds. A significant number of endangered whooping cranes, which have characteristics similar to sandhill cranes, are typically still in migration to the Aransas National Wildlife Refuge through the beginning of December. The department further notes that the federal frameworks limit Zone C to season not to exceed 37 days, whereas other zones are allowed 93 days of hunting between September 1 and February 28. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the season opens too late in Zone C. The department disagrees with the comment and responds that the Endangered Species Act requires states to limit any human activity considered hazardous to endangered species, including recreational hunting of similar-appearing migratory game birds. A significant number of endangered whooping cranes, which have characteristics similar to sandhill cranes, are typically still in migration to the Aransas National Wildlife Refuge through the beginning of December. The department further notes that the federal frameworks limit Zone C to season not to exceed 37 days, whereas other zones are

allowed 93 days of hunting between September 1 and February 28. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that sandhill crane hunting should be allowed in southeast Texas. The department disagrees with the comment and responds that southeast Texas is a closed area because federal frameworks do not allow for sandhill crane hunting in this area. No changes were made as a result of the comments.

The department received 44 comments supporting adoption of the proposed amendment.

The department received 10 comments opposed to the adoption of the proposed light goose conservation season. Of the 10 comments, 8 offered a specific reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, are as follows. The department notes that the conservation season structures have historically been based on hunter preference where it does not conflict with biological management or federal law.

One commenter opposed adoption and stated that bag limits should be the same in all zones. The department agrees with the comment and responds that there are no bag limits on light geese during the conservation season. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that the conservation season should occur only after the maximum number of days for geese and cranes has been provided. The department disagrees with the comment. Federal framework allows for 107 days of snow goose hunting. Delaying the Conservation season until the expiration of all 107 days of snow goose hunting would effectively defeat the purpose of the Conservation order. No changes were made as a result of the comment.

Three commenters opposed adoption and stated that the conservation season should be eliminated because there is too much pressure on the birds. The department disagrees and responds that the intent of the conservation season is to drastically reduce the population of snow geese. The conservation season is Texas' part of an international and interstate effort to drastically reduce the population of snow geese in order to reduce habitat destruction on their breeding grounds in Canada. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the conservation season should start earlier. The department disagrees with the comment and responds that hunter preference for other species of waterfowl precludes the opening of the conservation season any earlier, since all other seasons by federal law would have to be closed in order to implement the conservation season. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there should be a split season for geese, with the time between the segments being devoted to the conservation season. The department disagrees with the comment and responds that by federal law the conservation season cannot be opened unless all other migratory bird hunting seasons are closed. To open the conservation season during a split in the goose season, the department would have to close seasons for ducks and sandhill crane, which would reduce overall hunter opportunity and conflict with commission policy to provide the maximum hunter opportunity possible under federal frameworks issued by the Service. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the conservation season should run from January 1 through March 29th. The department disagrees with the comment and responds that since the conservation season by federal law cannot be opened unless all other seasons for hunting migratory birds have been closed, opening the conservation season on January 1 would result in significant loss of hunting opportunity for species other than light geese, which would be contrary to the commission policy of providing the greatest hunting opportunity possible under federal frameworks issued by the Service. No changes were made as a result of the comment.

The department received 50 comments supporting adoption of the proposed amendment.

The department received nine comments opposed to the adoption of the proposed youth waterfowl season. Of the nine comments, seven offered a specific reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, are as follows.

One commenter opposed adoption and stated that there should also be a youth weekend after the regular season. The department disagrees with the comment and responds that the Service authorizes one weekend for youth-only waterfowl hunting, and that the creation of additional youth-only opportunity would reduce the number of days of opportunity for other hunters. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that the youth season should be held during a split. The department disagrees with the comment and responds that splits are intended to function as respite periods to give birds an opportunity to rest and congregate. Opening a two-day season in the middle of a split would confound the purpose of the split. No changes were made as a result of the comment.

One commenter opposed adoption and stated that youth-only seasons are discriminatory and should be eliminated. The department disagrees with the comment and responds that youth seasons are intended to increase youth interest in hunting and outdoor recreation and that the rule establishing the youth-only waterfowl season has been validly promulgated in accordance with all state laws applicable to rulemaking by state agencies and the Texas and U.S. constitutions. No changes were made as a result of the comment.

One commenter opposed adoption and stated that youth seasons do nothing to increase the number of hunters. The department disagrees with the commenter and responds that the intent of the youth-only season is to give adults the opportunity to mentor youth during a season devoted to youth, and not necessarily to increase hunter numbers. No changes were made as a result of the comment.

One commenter opposed adoption and stated that more youth weekends should be implemented. The department disagrees with the comment and responds that the Service authorizes one weekend for youth-only waterfowl hunting and that additional days of youth hunting opportunity would result in less opportunity for the rest of Texas waterfowl hunters. No changes were made as a result of the comment.

One commenter opposed adoption and stated that he was unsure which birds youth were allowed to shoot at during the youth-only waterfowl season. The department disagrees with the comment and responds that uncertainty about which species may be lawfully taken during the youth-only season is not a suffi-

ciently compelling justification for not having a youth season, and that huntable species of migratory birds are differentiable enough to prevent hunter confusion. The department also notes that there are many resources (books, magazines, websites, hunting guides) available for people to learn how to identify wild birds of all varieties. No changes were made as a result of the comment.

The department received 56 comments supporting adoption of the amendment.

The department received 3 comments opposed to the adoption of the proposed late season special falconry season. None of the commenters offered a specific reason or rationale for opposing adoption.

The department received 20 comments supporting adoption of the proposed amendment.

The amendments are adopted under Parks and Wildlife Code, Chapter 64, which authorizes the commission and the executive director to provide the open season and means, methods, and devices for the hunting and possessing of migratory game birds.

§65.318. Open Seasons and Bag and Possession Limits--Late Season.

Except as specifically provided in this section, the possession limit for all species listed in this section shall be twice the daily bag limit.

(1) Ducks, mergansers, and coots. The daily bag limit for ducks is five, which may include no more than two scaup, two red-heads, two wood ducks, and no more than one (in the aggregate) of the following: mallard hen, pintail, canvasback, or dusky duck (mottled duck, black duck, Mexican duck, or hybrid of those species). The daily bag limit for coots is 15. The daily bag limit for mergansers is five, which may include no more than two hooded mergansers.

(A) High Plains Mallard Management Unit: October 25 - 26, 2008 and October 31, 2008 - January 25, 2009.

(B) North Zone: November 1 - 30, 2008 and December 13, 2008 - January 25, 2009.

(C) South Zone: November 1 - 30, 2008 and December 13, 2008 - January 25, 2009.

(2) Geese.

(A) Western Zone.

(i) Light geese: November 8, 2008 - February 8, 2009. The daily bag limit for light geese is 20, and there is no possession limit.

(ii) Dark geese: November 8, 2008 - February 8, 2009. The daily bag limit for dark geese is five, which may not include more than four Canada geese or more than one white-fronted goose.

(B) Eastern Zone.

(i) Light geese: November 1, 2008 - January 25, 2009. The daily bag limit for light geese is 20, and there is no possession limit.

(ii) Dark geese:

(I) White-fronted geese: November 1, 2008 - January 11, 2009. The daily bag limit for white-fronted geese is two.

(II) Canada geese: November 1, 2008 - January 25, 2009. The daily bag limit for Canada geese is three.

(3) Sandhill cranes. A free permit is required of any person to hunt sandhill cranes in areas where an open season is provided under

this proclamation. Permits will be issued on an impartial basis with no limitation on the number of permits that may be issued.

(A) Zone A: November 8, 2008 - February 8, 2009. The daily bag limit is three. The possession limit is six.

(B) Zone B: November 28, 2008 - February 8, 2009. The daily bag limit is three. The possession limit is six.

(C) Zone C: December 20, 2008 - January 25, 2009. The daily bag limit is two. The possession limit is four.

(4) Special Youth-Only Season. There shall be a special youth-only waterfowl season during which the hunting, taking, and possession of geese, ducks, mergansers, and coots is restricted to licensed hunters 15 years of age and younger accompanied by a person 18 years of age or older, except for persons hunting by means of falconry under the provisions of §65.320 of this chapter (relating to Extended Falconry Season--Late Season Species). Bag and possession limits in any given zone during the season established by this paragraph shall be as provided for that zone by paragraph (1) of this section. Season dates are as follows:

(A) High Plains Mallard Management Unit: October 18 - 19, 2008;

(B) North Zone: October 25 - 26, 2008; and

(C) South Zone: October 25 - 26, 2008.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on September 29, 2008.

TRD-200805263

Ann Bright

General Counsel

Texas Parks and Wildlife Department

Effective date: October 19, 2008

Proposal publication date: June 27, 2008

For further information, please call: (512) 389-4775



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 1. CENTRAL ADMINISTRATION SUBCHAPTER A. PRACTICE AND PROCEDURES

DIVISION 2. LEGAL SERVICES BOND DIVISION

34 TAC §1.53, §1.57

The Comptroller of Public Accounts adopts the repeal of §1.53, concerning bonds of school districts and junior colleges, and §1.57, concerning expenses incurred during registration outside of Austin. The repeal is adopted without changes to the proposed text as published in the August 15, 2008, issue of the *Texas Register* (33 TexReg 6549) and will not be republished. These sections are being repealed to reflect changes in practice.

The repeals are a result of a rules review of Texas Administrative Code, Title 34, Part 1, Chapter 1, Subchapter A, Division 2, conducted by the comptroller. The rules review was performed under Government Code, §2001.039, and concluded that the reasons for adopting the rules no longer exist.

No comments were received regarding adoption of the repeal.

The repeals are adopted under Government Code, §1203.026 and §2001.039. Government Code, §1203.026, provides the comptroller with the authority to adopt rules for the registration of public securities. Government Code, §2001.039, authorizes a state agency to repeal rules that are no longer necessary as a result of a rule review performed under that section.

The repeals implement Government Code, §2001.039.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 1, 2008.

TRD-200805293

Martin Cherry

General Counsel

Comptroller of Public Accounts

Effective date: October 21, 2008

Proposal publication date: August 15, 2008

For further information, please call: (512) 475-0387



CHAPTER 5. FUNDS MANAGEMENT (FISCAL AFFAIRS)

SUBCHAPTER F. CLAIMS PROCESSING-- GENERAL REQUIREMENTS

34 TAC §5.61

The Comptroller of Public Accounts adopts an amendment to §5.61, concerning approval and certification of certain payment

and USPS documents, without changes to the proposed text as published in the June 13, 2008, issue of the *Texas Register* (33 TexReg 4647).

This section is being amended to add another payroll system, the standardized payroll/personnel reporting system (SPRS), in addition to USPS. The amendment includes the definition of a mail code and changes the name of a Payee identification number to its correct title, Texas identification number (TIN), as defined in the Government Code. Finally, the amendment clarifies the specific composition of a TIN. Other changes to the section are for clarity.

No comments were received regarding adoption of the amendment.

This amendment is authorized under Government Code, §2103.032, which provides the comptroller with the authority to prescribe, adopt and enforce rules relating to the approval and certification of vouchers that are submitted to the comptroller electronically. The amendment implements Government Code, Chapter 403, §403.039, and §403.015, Chapters 2101 and 2103.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on September 30, 2008.

TRD-200805265

Martin Cherry

General Counsel

Comptroller of Public Accounts

Effective date: October 20, 2008

Proposal publication date: June 13, 2008

For further information, please call: (512) 475-0387



REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Review

Texas Residential Construction Commission

Title 10, Part 7

The Texas Residential Construction Commission (commission) proposes its review of 10 TAC §§304.1 - 304.3, 304.10 - 304.33, 304.50 - 304.53 and 304.100. The affected sections in Chapter 304 implement Texas Property Code Chapter 430 and relate to warranties and building and performance standards.

This review is proposed in accordance with Texas Government Code, §2001.039; and with the General Appropriations Act, Article IX, §9-10.13, 76th Legislature, Regular Session, 1999, which require state agencies to review and consider for re-adoption each of their rules every four years. A review must include an assessment of whether the reasons for the rules continue to exist.

The commission has conducted a preliminary review of these rules and has determined that reasons for adopting these rules continue to exist. These rules are needed for compliance with provisions of the Texas Property Code Chapter 430. The commission invites comments on whether the reasons for these rules continue to exist.

Interested persons may submit written comments (12 copies) on the proposed rule review and necessity of provisions in Chapter 304 to Susan K. Durso, General Counsel, Texas Residential Construction Commission, P.O. Box 13509, Austin, Texas 78711 or may be faxed to (512) 463-9507. In the alternative, comments may be submitted electronically to comments@trcc.state.tx.us. For comments submitted electronically, please include "Chapter 304 rule review" with the rule number(s) in the subject line. Comments regarding the necessity of Chapter 304 should be organized in numerical order and, when submitted concurrently with comments regarding the proposed rule amendments, should be clearly identified as relating to the rule review and necessity of the identified rule. The deadline for submission of comments is 30 days from the date of publication of the proposed rule review in the *Texas Register*. Comments received after the deadline submission date or comments submitted electronically without "Chapter 304 rule review" in the subject line may not be considered.

TRD-200805335

Susan K. Durso
General Counsel

Texas Residential Construction Commission

Filed: October 8, 2008



Adopted Rule Review

Texas Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 102, Educational Programs, Subchapter AA, Commissioner's Rules Concerning Head Start Educational Component Grant Program; Subchapter BB, Commissioner's Rules Concerning Master Teacher Grant Programs; Subchapter CC, Commissioner's Rules Concerning Coordinated Health Programs; Subchapter DD, Commissioner's Rules Concerning the Texas Accelerated Science Achievement Program Grant; Subchapter EE, Commissioner's Rules Concerning Pilot Programs; Subchapter FF, Commissioner's Rules Concerning Educator Award Programs; and Subchapter GG, Commissioner's Rules Concerning Early College Education Program, pursuant to the Texas Government Code, §2001.039. The TEA proposed the review of 19 TAC Chapter 102, Subchapters AA - GG, in the November 9, 2007, issue of the *Texas Register* (32 TexReg 8173).

Relating to the review of 19 TAC Chapter 102, Subchapter AA, the TEA finds that the reasons for adopting Subchapter AA continue to exist and readopts the rule. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 102, Subchapter BB, the TEA finds that the reasons for adopting Subchapter BB continue to exist and readopts the rules. Concurrent with the rule review, the TEA adopted changes to the rules in Subchapter BB to update, revise, and reorganize the Master Teacher Grant Programs. The adopted repeals and new rules were published in the April 4, 2008, issue of the *Texas Register* (33 TexReg 2809).

Relating to the review of 19 TAC Chapter 102, Subchapter CC, the TEA finds that the reasons for adopting Subchapter CC continue to exist and readopts the rule. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 102, Subchapter DD, the TEA finds that the reasons for adopting Subchapter DD continue to exist and readopts the rule. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 102, Subchapter EE, the TEA finds that the reasons for adopting Subchapter EE continue to exist and readopts the rules. Subsequent to the review, the TEA adopted new rules in the subchapter relating to pilot programs authorized by the 80th Texas Legislature, 2007.

Relating to the review of 19 TAC Chapter 102, Subchapter FF, the TEA finds that the reasons for adopting Subchapter FF continue to exist and readopts the rules. Subsequent to the review, the TEA proposed changes to 19 TAC §102.1071, Governor's Educator Excellence

Award Program--Texas Educator Excellence Grant, to update the procedures and requirements for the administration of the program. The proposed amendment was published in the June 20, 2008, issue of the *Texas Register* (33 TexReg 4782). Also subsequent to the review, the TEA adopted new 19 TAC §102.1073, District Awards for Teacher Excellence, to establish procedures for the administration of awards for student achievement, as required by the 79th Texas Legislature, Third Called Session, 2006.

Relating to the review of 19 TAC Chapter 102, Subchapter GG, the TEA finds that the reasons for adopting Subchapter GG continue to exist and readopts the rule. No changes are necessary as a result of the review.

The TEA received no comments related to the review of 19 TAC Chapter 102, Subchapters AA - GG.

This concludes the review of 19 TAC Chapter 102.

TRD-200805306

Cristina De La Fuente-Valadez

Director, Policy Coordination

Texas Education Agency

Filed: October 3, 2008

◆ ◆ ◆

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Department of Assistive and Rehabilitative Services

Notice of Consultant Contract Award

In accordance with Government Code, Chapter 2254, Subchapter B, the Texas Health and Human Services Commission (HHSC), on behalf of the Department of Assistive and Rehabilitative Services (DARS), publishes this notice of a consultant contract award for a noncompetitive procurement. The consultant proposal request appeared in the July 18, 2008, issue of the *Texas Register* (33 TexReg 5791). The selected consultant will assess and document the "As Is" state of the DARS Information Resources Division and conduct a strengths, weaknesses, opportunities, and threats (SWOT) analysis.

The consultant selected for this project is Gartner, Inc., 56 Top Galant Rd., Stamford, Connecticut 06902-7747. The contract value is \$165,800, and the contract period is from September 29, 2008, through May 31, 2009. A final report is due on or about December 1, 2008.

TRD-200805313

Sylvia F. Hardman

General Counsel

Department of Assistive and Rehabilitative Services

Filed: October 7, 2008



Notice of Consultant Contract Award

In accordance with Government Code, Chapter 2254, Subchapter B, the Texas Health and Human Services Commission (HHSC), on behalf of the Department of Assistive and Rehabilitative Services (DARS), publishes this notice of a consultant contract award for performing Medical Rate Analysis Services. The request for proposal for Medical Rate Analysis Services was published in the June 13, 2008, issue of the *Texas Register* (33 TexReg 4735).

The consultant will perform Medical Rate Analysis Services. DARS requires a consistent payment methodology for application to payments made for hospital services and for payments made to ambulatory surgical centers (ASCs). For the program divisions listed in the solicitation, #538-08-11628, DARS is interested in establishing a single payment methodology, except in situations where evidence-based business reasons dictate otherwise.

The selected consultant for these services is Public Consulting Group, 504 Lavaca, Suite 930, Austin, Texas 78701. The total value of the contract is \$75,110 and the contract period is from October 1, 2008, through August 31, 2009.

TRD-200805314

Sylvia F. Hardman

General Counsel

Department of Assistive and Rehabilitative Services

Filed: October 7, 2008



Comptroller of Public Accounts

Notice of Contract Award

The Comptroller of Public Accounts, Texas Procurement and Support Services (TPASS), announces the following contract award:

The notice of request for proposals (RFP #186a) was published in the July 11, 2008, issue of the *Texas Register* (33 TexReg 5569).

The contractor will provide consulting services to the Comptroller to conduct a historically underutilized business (HUB) disparity study of state contracting.

The contract was awarded to MGT of America, Inc., 2123 Centre Pointe Boulevard, Tallahassee, Florida 32308. The total amount of the contract is not to exceed \$994,961.00. The term of the contract is September 29, 2008 through December 31, 2009, with option to renew for up to two (2) additional one (1) year periods, one (1) year at a time. The final report is due on or before September 1, 2009.

TRD-200805291

William Clay Harris

Assistant General Counsel, Contracts

Comptroller of Public Accounts

Filed: October 1, 2008



Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/13/08 - 10/19/08 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/13/08 - 10/19/08 is 18% for Commercial over \$250,000.

The monthly ceiling as prescribed by §303.005³ for the period of 10/01/08 - 10/31/08 is 18% for Consumer/Agricultural/Commercial credit through \$250,000.

The monthly ceiling as prescribed by §303.005 for the period of 10/01/08 - 10/31/08 is 18% for Commercial over \$250,000.

¹Credit for personal, family or household use.

²Credit for business, commercial, investment, or other similar purpose.

³For variable rate commercial transactions only.

TRD-200805330

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: October 8, 2008



Texas Education Agency

Request for Applications Concerning Mathematics Instructional Coaches Pilot Program, Cycle 2, School Years 2009-2010 and 2010-2011

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-09-102 from school districts and open-enrollment charter schools or shared services arrangements of school districts and open-enrollment charter schools in Texas at which: (1) a minimum of 55 percent of the total student enrollment was identified as economically disadvantaged for the preceding three school years; (2) 60 percent or fewer students across secondary grade levels met the state standard on the mathematics portion of the Texas Assessment of Knowledge and Skills during the preceding three school years; or (3) the annual dropout rate was in the highest 10 percent for the district's comparable size category for the preceding three school years.

Description. The purpose of the Mathematics Instructional Coaches Pilot Program, Cycle 2, grant is to promote postsecondary readiness at eligible districts by providing assistance in developing the content knowledge and instructional expertise of teachers who instruct students in mathematics at the middle, junior high, or high school levels. Grant recipients must design and implement a Mathematics Instructional Coaches Pilot Program in partnership with an entity from the Approved Service Provider List provided by TEA.

Dates of Project. The Mathematics Instructional Coaches Pilot Program, Cycle 2, grant will be implemented during the 2009-2010 and 2010-2011 school years. Applicants should plan for a starting date of no earlier than April 1, 2009, and an ending date of no later than May 31, 2011.

Project Amount. Funding will be provided for approximately 25 - 30 projects totaling approximately \$4 million. Each project will receive a maximum of \$250,000 for the 2009-2011 project period. This project is funded 100 percent from state funds.

Selection Criteria. Applications will be selected based on the ability of each applicant to carry out all requirements contained in the RFA. Reviewers will evaluate applications based on the overall quality and validity of the proposed grant programs and the extent to which the applications address the primary objectives and intent of the project. Applications must address each requirement as specified in the RFA to be considered for funding. TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA.

TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

Requesting the Application. Due to the high cost of printing and mailing RFAs, they will no longer be available in print. The announcement letter and complete RFA will be posted on the TEA website at <http://burlson.tea.state.tx.us/GrantOpportunities/forms> for viewing and downloading. In the "Select Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

Further Information. For clarifying information about the RFA, contact Donnell Bilsky, Division of Discretionary Grants, Texas Education Agency, (512) 463-9269. In order to assure that no prospective applicant may obtain a competitive advantage because of acquisition of information unknown to other prospective applicants, any information that is different from or in addition to information provided in the

RFA will be provided only in response to written inquiries. Copies of all such inquiries and the written answers thereto will be posted on the TEA website in the format of Frequently Asked Questions (FAQs) at <http://burlson.tea.state.tx.us/GrantOpportunities/forms>. In the "Select Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

Deadline for Receipt of Applications. Applications must be received in the TEA Document Control Center by 5:00 p.m. (Central Time), Thursday, December 4, 2008, to be eligible to be considered for funding.

TRD-200805339

Cristina De La Fuente-Valadez
Director, Policy Coordination
Texas Education Agency

Filed: October 8, 2008



Request for Applications Concerning the Texas High School Initiative, Intensive Summer Programs Pilot Program, Cycle 2, 2009-2010

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-08-134 from school districts, open-enrollment charter schools, or shared services arrangements of school districts and/or open-enrollment charter schools at which: (1) a minimum of 65 percent of the total student enrollment was identified as economically disadvantaged for the preceding three school years; or (2) the Grade 7-12 annual dropout rate was in the highest 10 percent for the district's comparable size category for the preceding three school years. Cycle 1 grantees are not eligible to apply for this funding cycle.

Description. The purpose of the Intensive Summer Programs Pilot Program is to establish programs in partnership with an institution of higher education (IHE) to provide intensive academic instruction during the summer semester to promote postsecondary success for middle school and high school students identified as being at risk of dropping out of school. An intensive summer program funded by this grant will be designed and implemented in partnership with an IHE and shall provide, at a minimum, intensive academic instruction in all of the targeted core subject areas. For Grades 9-12, targeted core subject areas include mathematics, English Language Arts, and science. For Grades 6-8, targeted core subject areas include mathematics and reading.

Intensive summer programs must: (1) be research-based; (2) provide intensive academic instruction in the targeted core subject areas; (3) provide at least four weeks and a minimum of three hours per day of instruction in the targeted core subject areas; (4) be designed and implemented in partnership with an IHE; and (5) use instructional materials adopted by the State Board of Education. Grant funds may be used to expand or enhance an existing program or to develop and implement a new program. Additional classes and other supplementary activities to meet the goals of the program are allowed. Eligible districts may apply to operate a middle school program (Grades 6-8); a high school program (Grades 9-12); a joint Grades 6-8 and 9-12 program that offers differentiated curriculum and instruction for middle and high school students; or a program targeting Grades 6-8 and a separate program targeting Grades 9-12.

Dates of Project. The Intensive Summer Programs Pilot Program, Cycle 2, will be implemented during the summers of 2009 and 2010. Applicants should plan for a starting date of no earlier than April 1, 2009, and an ending date of no later than October 31, 2010.

Project Amount. Approximately \$4 million in funding is available for the Intensive Summer Programs Pilot Program, Cycle 2, for summer school in 2009 and 2010. Funding will be provided for approximately 25 projects. Programs will be funded on a per-student participant amount not to exceed \$750 per student for programs serving up to a maximum of 200 students for a possible maximum of \$150,000 for each program year of the grant period. Funding must be matched by not less than \$250 for each participating student in other federal, state, or local funds, including private donations. Participating school districts are encouraged, but not required, to use funds allocated as High School Allotment funds, as designated under the Texas Education Code, §42.2516(b)(3). Districts must serve a minimum of 25 students per program each summer for a minimum possible award amount of \$18,750 per summer program. Applicants may apply for less than the maximum per-student grant amount. Project funding for the subsequent grant period will be available based on satisfactory progress of the first-year objectives and activities, on general budget approval by the commissioner of education, and on appropriations by the state legislature.

Selection Criteria. Applications will be selected based on the ability of each applicant to carry out all requirements contained in the RFA. Reviewers will evaluate applications based on the overall quality and validity of the proposed grant programs and the extent to which the applications address the primary objectives and intent of the project. Applications must address each requirement as specified in the RFA to be considered for funding. The TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA.

The TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

Requesting the Application. Due to the high cost of printing and mailing RFAs, they will no longer be available in print. The announcement letter and complete RFA will be posted on the TEA website at <http://burleson.tea.state.tx.us/GrantOpportunities/forms> for viewing and downloading. In the "Select Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

Further Information. For clarifying information about the RFA, contact Sara Weiss, Division of College and Career Readiness Initiatives, Texas Education Agency, (512) 463-9535. In order to assure that no prospective applicant may obtain a competitive advantage because of acquisition of information unknown to other prospective applicants, any information that is different from or in addition to information provided in the RFA will be provided only in response to written inquiries. Copies of all such inquiries and the written answers thereto will be posted on the TEA website in the format of Frequently Asked Questions (FAQs) at <http://burleson.tea.state.tx.us/GrantOpportunities/forms>. In the "Select Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

Deadline for Receipt of Applications. Applications must be received in the TEA Document Control Center by 5:00 p.m. (Central Time), Thursday, December 11, 2008, to be eligible to be considered for funding.

TRD-200805340

Cristina De La Fuente-Valadez
Director, Policy Coordination
Texas Education Agency
Filed: October 8, 2008

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (the Code), §7.075. Section 7.075 requires that, before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. Section 7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **November 17, 2008**. Section 7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-1864 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on November 17, 2008**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, §7.075 provides that comments on the AOs shall be submitted to the commission in **writing**.

(1) COMPANY: ALLINA BUSINESS, INC. dba Five Star Food Mart; DOCKET NUMBER: 2008-0320-PST-E; IDENTIFIER: RN101778272; LOCATION: Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 Texas Administrative Code (TAC) §334.49(a) and the Code, §26.3475(d), by failing to provide proper corrosion protection for the underground storage tank (UST) system; 30 TAC §334.49(c)(4) and the Code, §26.3475(d), by failing to inspect and test the cathodic protection system for operability and adequacy of protection; 30 TAC §334.50(b)(1)(A) and the Code, §26.3475(c)(1), by failing to monitor the USTs for releases; 30 TAC §334.50(b)(2) and the Code, §26.3475(a), by failing to provide proper release detection for the piping associated with the USTs; 30 TAC §334.50(b)(2)(A)(i)(III) and the Code, §26.3475(a), by failing to test the line leak detectors; 30 TAC §115.245(2) and Texas Health and Safety Code (THSC), §382.085(b), by failing to verify proper operation of the Stage II equipment; and 30 TAC §115.242(3)(C)(i) - (iii) and THSC, §382.085(b), by failing to maintain the Stage II vapor recovery system in proper operating condition; PENALTY: \$13,791; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: Chevron Phillips Chemical Company LP; DOCKET NUMBER: 2008-0916-AIR-E; IDENTIFIER: RN102320850; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: chemical manufacturing plant; RULE VIOLATED: 30 TAC §116.715(a) and THSC, §382.085(b), by failing to prevent the release of unauthorized air contaminants into the atmosphere; PENALTY: \$7,425; ENFORCEMENT COORDINATOR: Jorge Ibarra, (817) 588-5800; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(3) COMPANY: Chicken House Flea Market, Inc.; DOCKET NUMBER: 2008-1079-PWS-E; IDENTIFIER: RN104966049; LOCATION: Stephenville, Erath County; TYPE OF FACILITY: flea market with public water supply; RULE VIOLATED: 30 TAC §290.109(c)(2)(A)(i) and THSC, §341.033(d), by failing to collect routine distribution water samples for coliform analysis; and 30 TAC §290.51(a)(3), by failing to pay all annual and late public health service fees; PENALTY: \$2,056; ENFORCEMENT COORDINATOR: Amanda Henry, (713) 767-3600; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: Coastal Transport Company, Inc.; DOCKET NUMBER: 2008-1157-PST-E; IDENTIFIER: RN103870770; LOCATION: Garland, Dallas County; TYPE OF FACILITY: fuel distributor; RULE VIOLATED: 30 TAC §115.221 and THSC, §382.085(b), by failing to control displaced vapors; PENALTY: \$1,100; ENFORCEMENT COORDINATOR: Wallace Myers, (512) 239-6580; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(5) COMPANY: ConocoPhillips Company; DOCKET NUMBER: 2008-0431-AIR-E; IDENTIFIER: RN102495884; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: refinery; RULE VIOLATED: 30 TAC §113.780 and §116.115(c), Air Permit Numbers 9868A and PSD-TX-102M6, Special Condition (SC) Number 22, 40 Code of Federal Regulations (CFR) §60.103, and THSC, §382.085(b), by failing to comply with the allowable hourly concentration average limit for carbon monoxide; and 30 TAC §116.715(a), Air Permit Numbers 9868A and PSD-TX-102M6, SC Number 1, and THSC, §382.085(b), by failing to prevent the release of unauthorized air contaminants into the atmosphere; PENALTY: \$40,100; Supplemental Environmental Project (SEP) offset amount of \$16,040 applied to Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Abandoned Tire Clean-Up; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5800; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(6) COMPANY: COWTOWN REDI MIX, INC.; DOCKET NUMBER: 2008-1000-MSW-E; IDENTIFIER: RN105373294; LOCATION: Euless, Tarrant County; TYPE OF FACILITY: concrete batch; RULE VIOLATED: 30 TAC §330.954(e)(1) and (2), by failing to prevent disturbing the final cover of a closed municipal solid waste (MSW) landfill; 30 TAC §330.961(d), by failing to prevent the ponding of water over a closed MSW landfill; and 30 TAC §330.961(g), by failing to ensure conduits transporting fluids over a closed MSW landfill are double-walled; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: John Shelton, (512) 239-2563; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(7) COMPANY: Cynthia Moretti dba Cynthia's Kitchen; DOCKET NUMBER: 2008-0898-PWS-E; IDENTIFIER: RN101207124; LOCATION: Rye, Liberty County; TYPE OF FACILITY: public water system; RULE VIOLATED: 30 TAC §290.109(c)(2)(A)(i) and §290.122(b)(2) and THSC, §341.033(d), by failing to collect routine monitoring samples; 30 TAC §290.109(c)(3)(A) and §290.122(b)(2),

by failing to collect a set of repeat distribution samples within 24 hours of being notified of a coliform positive sample result and by failing to provide public notification of the failure to collect the repeat samples following a coliform positive sample; 30 TAC §290.109(f)(3) and §290.122(b)(2) and THSC, §341.031(a), by exceeding the maximum contaminant level for total coliform and by failing to post public notification; 30 TAC §290.109(c)(2)(F), by failing to collect at least five monitoring samples following a coliform positive sample; and 30 TAC §290.51(a)(3) and THSC, §340.041, by failing to pay the public health service fees; PENALTY: \$3,295; ENFORCEMENT COORDINATOR: Pamela Campbell, (512) 239-4493; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: John Deguire dba Deguire Auto Salvage Yard; DOCKET NUMBER: 2008-0668-MLM-E; IDENTIFIER: RN103005914; LOCATION: Temple, Bell County; TYPE OF FACILITY: wholesale and retail sale of used automotive parts; RULE VIOLATED: 30 TAC §281.25(a)(4) and 40 CFR §122.26(c), by failing to obtain authorization to discharge storm water associated with an industrial activity; and 30 TAC §328.60(a), by failing to obtain a scrap tire storage registration; PENALTY: \$4,650; ENFORCEMENT COORDINATOR: Danielle Porras, (512) 239-2602; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(9) COMPANY: Dirgin Water Supply Corporation; DOCKET NUMBER: 2008-0125-MLM-E; IDENTIFIER: RN101438778; LOCATION: Rusk County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.109(c)(2)(A)(ii) and §290.122(c)(2)(A) and THSC, §341.033(d), by failing to collect and submit routine monthly bacteriological samples and by failing to notify the public of the noncompliance; 30 TAC §290.42(e)(4)(A), by failing to provide a full-face self-contained breathing apparatus or supplied air respirator; 30 TAC §290.44(d)(5), by failing to provide the water system with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption; 30 TAC §290.121(a), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan; 30 TAC §290.46(f)(2) and (3)(A)(iv) and (D)(i); by failing to maintain records of water works operation and maintenance activities and make them available to commission personnel; 30 TAC §290.41(c)(1)(F), by failing to secure a sanitary control easement covering all property within 150 feet of the water system's well; 30 TAC §290.41(c)(3)(K), by failing to provide the water system's well with a screen casing vent; 30 TAC §290.41(c)(3)(N), by failing to provide a flow measuring device; 30 TAC §290.42(l), by failing to provide a thorough plant operations manual; 30 TAC §290.43(d)(3), by failing to equip air compressor injection lines with filters or other devices to prevent compressor lubricants and other contaminants from entering the water system's pressure tank; 30 TAC §290.46(i), by failing to adopt an adequate plumbing ordinance, regulations, or service agreement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted; 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations in the distribution system; 30 TAC §290.110(e)(4), by failing to submit a disinfection level quarterly operating report by a public water system that uses purchased water or ground water sources; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices; 30 TAC §290.46(m)(1)(A), by failing to inspect the system's ground storage tank annually; 30 TAC §290.46(n)(2), by failing to develop and maintain an up-to-date distribution map; 30 TAC §290.46(v), by failing to securely install all water system electrical wiring in compliance with a local or national electrical code; 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and THSC, §341.0315(c), by failing to maintain a free chlorine residual of

0.2 milligrams per liter throughout the distribution system; 30 TAC §290.46(e)(4)(A) and THSC, §341.034(b), by failing to ensure the water system is operated at all times under the direct supervision of a water works operator who holds a Class "D" or higher license; and 30 TAC §288.30(5), by failing to develop and maintain a drought contingency plan; PENALTY: \$27,557; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 490-3096; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(10) COMPANY: Dripping Springs Independent School District; DOCKET NUMBER: 2008-0403-MWD-E; IDENTIFIER: RN103118972; LOCATION: Hays County; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0013748002, Effluent Limitations and Monitoring Requirements A., and the Code, §26.121(a), by failing to comply with the permitted effluent limits for biochemical oxygen demand (BOD); 30 TAC §305.125(1) and TPDES Permit Number WQ0013748002, Monitoring Requirements 7.c., by failing to notify the TCEQ within five working days of effluent violations exceeding more than 40% of the permitted effluent limitations; and 30 TAC §305.125(1) and TPDES Permit Number WQ0013748002, Special Provisions 8., by failing to submit the results of the soil sample analysis; PENALTY: \$9,450; SEP offset amount of \$7,560 applied to RC&D - Water or Wastewater Treatment Assistance; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5800; REGIONAL OFFICE: 2800 South IH 35, Suite 100, Austin, Texas 78704-5700, (512) 339-2929.

(11) COMPANY: Equistar Chemicals, LP; DOCKET NUMBER: 2007-1315-AIR-E; IDENTIFIER: RN100210574; LOCATION: Liverpool, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; RULE VIOLATED: 30 TAC §116.115(c), Air Permit Number 4634B, SC Number 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$51,600; SEP offset amount of \$25,800 applied to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program; ENFORCEMENT COORDINATOR: Trina Grieco, (210) 490-3096; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(12) COMPANY: Estate of Patetreen Petty dba Big Wood Springs Water System; DOCKET NUMBER: 2008-0608-MLM-E; IDENTIFIER: RN101192847; LOCATION: Quitman, Wood County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §288.20(a) and §288.30(5), by failing to submit a drought contingency plan; 30 TAC §290.46(s)(1), by failing to calibrate well meters; 30 TAC §290.42(l), by failing to compile and maintain a thorough plant operations manual; 30 TAC §290.121(a) and (b), by failing to have a complete and up-to-date chemical and microbiological monitoring plan; 30 TAC §290.41(c)(1)(F), by failing to secure sanitary control easements; 30 TAC §290.109(c)(2)(A)(iii) and THSC, §341.033(d), by failing to conduct monthly bacteriological sampling; 30 TAC §290.46(f)(3)(A)(iv), (B)(iii), (D)(i) and (ii), by failing to provide the water system's complete operating records for commission review during inspections; 30 TAC §290.41(c)(3)(O), by failing to provide an intruder-resistant fence or lockable building to protect the Well Number two; 30 TAC §290.46(e)(4)(A) and THSC, §341.033(a), by failing to operate the water system under the direct supervision of a water works operator who holds a Class "D" or higher license; 30 TAC §290.44(a)(4), by failing to locate water lines a minimum of 24 inches below ground surface; 30 TAC §290.46(q)(1) and (2), by failing to issue a boil water notification using the prescribed notification; 30 TAC §290.42(j), by failing to use an approved chemical or media for the disinfection of potable water that conforms to American National Standards Institution/National Sanitation Foundation standards; 30 TAC §290.109(c)(3)(A)(ii), by failing to collect and submit repeat water samples; and 30 TAC §290.109(c)(2)(A)(ii) and (F) and

§290.122(c)(2)(A) and THSC, §341.033(d), by failing to collect and submit water samples for bacteriological monitoring and by failing to provide public notification of the failure to collect water samples; PENALTY: \$8,672; ENFORCEMENT COORDINATOR: Andrea Linson-Mgbeoduru, (512) 239-1482; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(13) COMPANY: Exxon Mobil Corporation; DOCKET NUMBER: 2008-0872-AIR-E; IDENTIFIER: RN102579307; LOCATION: Baytown, Harris County; TYPE OF FACILITY: refining and supply company; RULE VIOLATED: 30 TAC §116.715(a), Air Permit Number 18287, SC Number 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$47,600; SEP offset amount of \$23,800 applied to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program; ENFORCEMENT COORDINATOR: John Muenink, (361) 825-3100; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(14) COMPANY: Fort Gates Water Supply Corporation; DOCKET NUMBER: 2008-1037-PWS-E; IDENTIFIER: RN101216257; LOCATION: Coryell County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(n)(2) and TCEQ Agreed Order Docket Number 2004-0925-PWS-E, Ordering Provision 2.a.ii, by failing to provide an up-to-date distribution map of the system; 30 TAC §290.46(m)(4), by failing to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition; 30 TAC §290.41(c)(3)(O), by failing to provide an intruder-resistant fence; and 30 TAC §290.46(f)(2) and (3)(A)(iv), (B)(iii) and (vi), (D)(ii), and (E)(iv), by failing to provide water system records to commission personnel; PENALTY: \$480; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (210) 490-3096; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(15) COMPANY: City of Goodlow; DOCKET NUMBER: 2008-0104-MWD-E; IDENTIFIER: RN101520922; LOCATION: Navarro County; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §30.350(j) and §305.125(1) and TPDES Permit Number 12616001, Other Requirements Number 1, by failing to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies; 30 TAC §305.125(17) and TPDES Permit Number 12616001, Sludge Provisions, by failing to submit monitoring results at the intervals specified in the permit; 30 TAC §305.125(1) and TPDES Permit Number 12616001, Monitoring and Reporting Requirements Number 1, by failing to submit monitoring results at the intervals specified in the permit; 30 TAC §305.125(1) and §317.4(c) and TPDES Permit Number 12616001, Operational Requirements Number 5, by failing to provide a means for measuring effluent flow at the facility; and 30 TAC §21.4 and the Code, §5.702 and §26.0135(h), by failing to pay outstanding fees and associated late fees; PENALTY: \$41,166; ENFORCEMENT COORDINATOR: Heather Brister, (254) 751-0335; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(16) COMPANY: Houston Unlimited Incorporated Metal Processing; DOCKET NUMBER: 2008-0806-IHW-E; IDENTIFIER: RN102154523; LOCATION: Chappell Hill, Washington County; TYPE OF FACILITY: metal processing plant; RULE VIOLATED: 30 TAC §335.4(1) and the Code, §26.121(a)(1), by failing to prevent the unauthorized discharge of industrial hazardous waste; PENALTY: \$25,000; ENFORCEMENT COORDINATOR: Clinton Sims, (512) 239-6933; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(17) COMPANY: City of Keene; DOCKET NUMBER: 2008-1014-MWD-E; IDENTIFIER: RN101241164; LOCATION: John-

son County; TYPE OF FACILITY: wastewater treatment system; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number WQ0010611002, Effluent Limitations and Monitoring Requirements Number 1, and the Code, §26.121(a), by failing to comply with the permitted effluent limitations for ammonia nitrogen; PENALTY: \$5,280; ENFORCEMENT COORDINATOR: Mark Oliver, (512) 239-3308; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(18) COMPANY: City of Kingsville; DOCKET NUMBER: 2008-0697-MSW-E; IDENTIFIER: RN102334570; LOCATION: Kingsville, Kleberg County; TYPE OF FACILITY: MSW type 1 landfill; RULE VIOLATED: 30 TAC §330.165(c) and MSW Disposal Permit 235B Section 4.22, Intermediate Cover, by failing to maintain at least 12 inches of suitable earthen material; 30 TAC §330.301, by failing to submit a permit modification application to incorporate the 2006 rule revisions to 30 TAC §§330.301 - 330.307; 30 TAC §330.305(e)(1), by failing to maintain the collection, drainage, and/or storage units as designed, and restore and repair the drainage system in the event of washout or failure; 30 TAC §330.139 and MSW Disposal Permit 235B Section 4.9, Control of Windblown Litter, by failing to maintain and operate the working face in a manner to control windblown solid waste; and 30 TAC §330.165(a) and MSW Disposal Permit 235B Section 4.22, Daily Cover, by failing to apply six inches of well-compacted earthen material; PENALTY: \$12,540; SEP offset amount of \$10,032 applied to holding a cleanup event to remove and properly dispose of or recycle used tires; ENFORCEMENT COORDINATOR: Trina Grieco, (210) 490-3096; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839.

(19) COMPANY: Alberto Lopez; DOCKET NUMBER: 2008-0197-PST-E; IDENTIFIER: RN101679876; LOCATION: Edinburg, Hidalgo County; TYPE OF FACILITY: USTs; RULE VIOLATED: 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed implementation date, two USTs; and 30 TAC §334.7(d)(3), by failing to notify the agency of any change or additional information regarding USTs; PENALTY: \$6,300; ENFORCEMENT COORDINATOR: Steven Lopez, (512) 239-1896; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(20) COMPANY: Magellan Pipeline Terminals, L.P.; DOCKET NUMBER: 2008-0906-AIR-E; IDENTIFIER: RN100244979; LOCATION: Odessa, Ector County; TYPE OF FACILITY: petroleum storage and distribution plant; RULE VIOLATED: 30 TAC §122.145(2)(B) and (C) and THSC, §382.085(b), by failing to timely submit a deviation report; PENALTY: \$2,450; ENFORCEMENT COORDINATOR: Terry Murphy, (512) 239-5025; REGIONAL OFFICE: 3300 North A Street, Building 4-107, Midland, Texas 79705-5406, (432) 570-1359.

(21) COMPANY: Anas Ahmad dba Mobil Discount Inspection and Brakes; DOCKET NUMBER: 2008-0845-PST-E; IDENTIFIER: RN100534056; LOCATION: Baytown, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.10(b), by failing to maintain the required UST records and make them immediately available; 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form; 30 TAC §334.8(c)(5)(A)(i) and the Code, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate; 30 TAC §334.50(b)(2) and the Code, §26.3475(a), by failing to provide release detection for the piping associated with the USTs; 30 TAC §334.50(b)(2)(A)(i)(III) and the Code, §26.3475(a), by failing to test the line leak detectors; 30 TAC §334.50(d)(1)(B)(ii) and the Code, §26.3475(c)(1), by failing to conduct reconciliation of detailed

inventory control records; 30 TAC §334.50(d)(1)(B)(iii)(I) and the Code, §26.3475(c)(1), by failing to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day; 30 TAC §334.48(c), by failing to conduct effective manual or automotive inventory control procedures for all USTs; 30 TAC §115.246(4) and THSC, §382.085(b), by failing to maintain Stage II records at the Station and make them immediately available for review; 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment; and 30 TAC §115.242(1)(C) and THSC, §382.085(b), by failing to upgrade the Stage II equipment to onboard refueling vapor recovery compatible systems; PENALTY: \$12,401; ENFORCEMENT COORDINATOR: Judy Kluge, (817) 588-5800; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(22) COMPANY: Nash Trucking & Construction, Limited; DOCKET NUMBER: 2008-0889-WQ-E; IDENTIFIER: RN105383004; LOCATION: Gilmer, Upshur County; TYPE OF FACILITY: sand and gravel mine; RULE VIOLATED: 30 TAC §281.25(a)(4) and 40 CFR §122.26(c), by failing to obtain authorization to discharge storm water associated with industrial activities; 30 TAC §281.25(a)(4) and TPDES Permit Number TXR05W759, Part III, Section A(5)(h), by failing to conduct quarterly visual monitoring; 30 TAC §281.25(a)(4) and TPDES Permit Number TXR05W759, Part II, Section C(3) and Part III, Section A(5)(c), by failing to develop a section within the storm water pollution prevention plan to address soil erosion measures; the Code, §26.121(a), by failing to prevent the unauthorized discharge of sediment-laden storm water into or adjacent to water of the state; PENALTY: \$9,368; SEP offset amount of \$3,747 applied to RC&D - Unauthorized Trash Dump Clean-Up; ENFORCEMENT COORDINATOR: Pamela Campbell, (512) 239-4493; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(23) COMPANY: Zaki Niazi; DOCKET NUMBER: 2008-1069-PST-E; IDENTIFIER: RN103028908; LOCATION: Houston, Harris County; TYPE OF FACILITY: USTs; RULE VIOLATED: 30 TAC §334.47(a)(2), by failing to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, three USTs; PENALTY: \$7,875; ENFORCEMENT COORDINATOR: Wallace Myers, (512) 239-6580; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(24) COMPANY: San Pedro Canyon Water Company; DOCKET NUMBER: 2008-0729-MLM-E; IDENTIFIER: RN102673167; LOCATION: Del Rio, Val Verde County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §291.93(3) and the Code, §13.139(d), by failing to provide a written planning report to the commission that clearly explains how the utility will provide the expected service demands to the remaining areas within the boundaries of its certified area; 30 TAC §290.46(f)(2) and (3)(A)(iv), (E)(i) and (iv), by failing to maintain a record of water works operation and maintenance activities; 30 TAC §290.44(d)(5), by failing to provide the water system with sufficient valves and blowoffs; 30 TAC §290.41(c)(1)(F), by failing to secure a sanitary control easement; 30 TAC §290.42(e)(5), by failing to house the hypochlorination solution container in a secure enclosure; 30 TAC §290.43(d)(3), by failing to provide facilities for maintaining the air-water-volume at the design water level and working pressure; 30 TAC §290.45(b)(1)(C)(ii) and THSC, §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; 30 TAC §290.46(l), by failing to flush dead-end mains at monthly intervals; 30 TAC §290.46(m)(1)(B), by failing to conduct annual inspections of the water system's two pressure tanks; 30 TAC §290.121(a) and (b)(1)(C), by failing to maintain an up-to-date chemical and microbiological monitoring plan; and 30 TAC §290.51(a)(3), by failing to pay all annual and late

public health service fees; PENALTY: \$1,877; ENFORCEMENT COORDINATOR: Andrea Linson-Mgbeoduru, (512) 239-1482; REGIONAL OFFICE: 707 East Carlton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(25) COMPANY: Shera Corporation dba Dairy Way Food Mart; DOCKET NUMBER: 2008-1174-PST-E; IDENTIFIER: RN102049632; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment; PENALTY: \$3,721; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(26) COMPANY: Storm Reconstruction Services, Inc.; DOCKET NUMBER: 2008-1025-AIR-E; IDENTIFIER: RN105494074; LOCATION: Belton, Bell County; TYPE OF FACILITY: portable air curtain trench burner; RULE VIOLATED: 30 TAC §106.496(c)(3)(C) and §111.201 and THSC, §382.085(b), by failing to comply with the permit by rule requirements; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Daniel Siringi, (409) 898-3838; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(27) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2008-0902-MWD-E; IDENTIFIER: RN102076296; LOCATION: Ellis County; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number 11959001, Interim Limitations and Monitoring Requirements Numbers 1 and 3 and Final Effluent Limitations and Monitoring Requirement Numbers 1, 2, and 6, and the Code, §26.121(a), by failing to comply with permitted limits for dissolved oxygen, BOD, pH, total suspended solids, and total chlorine; 30 TAC §305.125(17) and TPDES Permit Number 11959001, Monitoring and Reporting Requirements Number 1, by failing to submit the discharge monitoring report (DMR); 30 TAC §305.125(17) and TPDES Permit Number 11959001, Monitoring and Reporting Requirements Number 1, by failing to submit a complete and accurate DMR; and 30 TAC §§290.51(a)(3), 334.22(a), and 334.128(a), and the Code, §5.702, by failing to pay fees and associated late fees; PENALTY: \$10,345; SEP offset amount of \$8,276 applied to RC&D - Wastewater Treatment Assistance; ENFORCEMENT COORDINATOR: Samuel Short, (512) 239-5363; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(28) COMPANY: TIN Inc.; DOCKET NUMBER: 2008-0788-IWD-E; IDENTIFIER: RN100214428; LOCATION: Orange County; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number WQ0001185000, Permit Conditions Number 2.g., and the Code, §26.121(a), by failing to prevent the unauthorized discharge of wastewater; 30 TAC §305.125(1) and TPDES Permit Number WQ0001185000, Monitoring and Reporting Requirements Number 7.d, by failing to properly submit accurate information on the DRM; 30 TAC §305.125(1) and §319.11(c) and TPDES Permit Number WQ0001185000, Monitoring and Reporting Requirements Number 2, by failing to properly calculate and report chemical oxygen demand; 30 TAC §305.125(1) and TPDES Permit Number WQ0001185000, Monitoring and Reporting Requirements Number 7.c, by failing to notify the TCEQ for each effluent violation that has deviated from the permitted effluent limitation by more than 40%; and 30 TAC §305.125(1) and TPDES Permit Number WQ0001185000, Operational Requirements Number 11.f, by failing to properly maintain adequate sludge disposal records; PENALTY: \$28,860; ENFORCEMENT COORDINATOR: Lanae Foard, (512) 239-2554; REGIONAL

OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(29) COMPANY: TOTAL PETROCHEMICALS USA, INC.; DOCKET NUMBER: 2008-0944-AIR-E; IDENTIFIER: RN100212109; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical plant; RULE VIOLATED: 30 TAC §116.615(2), Standard Air Permit Number 78962, Maximum Emission Rates Table, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Roshondra Lowe, (713) 767-3500; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(30) COMPANY: UCAR Pipeline, Incorporated; DOCKET NUMBER: 2008-0799-AIR-E; IDENTIFIER: RN105212575; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: pipeline; RULE VIOLATED: THSC, §382.085(a) and (b), by failing to prevent the emission of air contaminants; PENALTY: \$9,000; SEP offset amount of \$4,500 applied to Jefferson County-Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station; ENFORCEMENT COORDINATOR: Harvey Wilson, (512) 239-0321; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-200805319

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: October 7, 2008



Enforcement Orders

An agreed order was entered regarding James M. Knowles, Docket No. 2006-0150-MSW-E on September 25, 2008 assessing \$1,050 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jacquelyn Boutwell, Staff Attorney at (512) 239-5846, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Faridabano Gaffar dba Comet Cleaners, Docket No. 2006-0837-DCL-E on September 25, 2008 assessing \$1,185 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Barham Richard, Staff Attorney at (512) 239-0107, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Dosan Enterprises, Inc. dba Professional Cleaners, Docket No. 2006-1409-DCL-E on September 25, 2008 assessing \$1,185 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tracy Chandler, Staff Attorney at (512) 239-0629, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Royal Superior Corporation dba 1.25 Expert Cleaners dba Super Cleaner and dba Super Cleaners, Docket No. 2006-1410-DCL-E on September 25, 2008 assessing \$5,948 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tracy Chandler, Staff Attorney at (512) 239-0629, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding David W. Trammell, Docket No. 2007-0050-LII-E on September 25, 2008 assessing \$625 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Gary Shiu, Staff Attorney at (713) 422-8916, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Hubbard, Docket No. 2007-0104-PWS-E on September 25, 2008 assessing \$715 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jennifer Cook, Staff Attorney at (512) 239-1873, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Laredo, Docket No. 2007-0441-MLM-E on September 25, 2008 assessing \$8,030 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jennifer Cook, Staff Attorney at (512) 239-1873, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding J.W. Garrett & Son, Inc. dba G & G Enterprises, Docket No. 2007-1042-WQ-E on September 25, 2008 assessing \$4,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Benjamin Thompson, Staff Attorney at (512) 239-1297, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Don Strong, Docket No. 2007-1274-PST-E on September 25, 2008 assessing \$7,875 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Patrick Jackson, Staff Attorney at (512) 239-6501, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Adelfo Hernandez dba 3H Auto Sales, Docket No. 2007-1479-AIR-E on September 25, 2008 assessing \$450 in administrative penalties with \$90 deferred.

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Dhanani Investment Inc. dba Saweway Food Market, Docket No. 2007-1739-PST-E on September 25, 2008 assessing \$4,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Barham Richard, Staff Attorney at (512) 239-0107, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding H. Mitchell Enterprises, Inc. dba Dirt-Tech Construction & Excavation, Docket No. 2007-1753-MSW-E on September 25, 2008 assessing \$8,942 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Barham Richard, Staff Attorney at (512) 239-0107, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Forest Creek Partnership, Ltd. dba Forest Creek Apartments, Docket No. 2007-1898-PWS-E on September 25, 2008 assessing \$1,600 in administrative penalties with \$320 deferred.

Information concerning any aspect of this order may be obtained by contacting Richard Croston, Enforcement Coordinator at (512) 239-5717, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Rohm and Haas Texas Incorporated, Docket No. 2007-2041-AIR-E on September 25, 2008 assessing \$81,400 in administrative penalties with \$16,280 deferred.

Information concerning any aspect of this order may be obtained by contacting Rebecca Johnson, Enforcement Coordinator at (713) 422-8931, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Kenedy, Docket No. 2008-0034-PWS-E on September 25, 2008 assessing \$3,665 in administrative penalties with \$733 deferred.

Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (210) 490-4077, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Killeen, Docket No. 2008-0148-PWS-E on September 25, 2008 assessing \$5,216 in administrative penalties with \$1,043 deferred.

Information concerning any aspect of this order may be obtained by contacting Andrea Linson-Mgbeoduru, Enforcement Coordinator at (512) 239-1482, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Exxon Mobil Corporation, Docket No. 2008-0160-AIR-E on September 25, 2008 assessing \$65,300 in administrative penalties with \$13,060 deferred.

Information concerning any aspect of this order may be obtained by contacting John Muennink, Enforcement Coordinator at (361) 825-3423, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Lankford Construction, L.L.C., Docket No. 2008-0175-WQ-E on September 25, 2008 assessing \$4,200 in administrative penalties with \$840 deferred.

Information concerning any aspect of this order may be obtained by contacting Suzanne Walrath, Enforcement Coordinator at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding McWane, Inc., Docket No. 2008-0192-AIR-E on September 25, 2008 assessing \$12,950 in administrative penalties with \$2,590 deferred.

Information concerning any aspect of this order may be obtained by contacting Suzanne Walrath, Enforcement Coordinator at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Robert H. Griffin, Docket No. 2008-0336-MLM-E on September 25, 2008 assessing \$5,250 in administrative penalties with \$1,050 deferred.

Information concerning any aspect of this order may be obtained by contacting Clinton Sims, Enforcement Coordinator at (512) 239-6933, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Karim Ali Peermohammed dba North Loop Food Store, Docket No. 2008-0345-PST-E on September 25, 2008 assessing \$5,778 in administrative penalties with \$1,155 deferred.

Information concerning any aspect of this order may be obtained by contacting Wallace Myers, Enforcement Coordinator at (512) 239-6580, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Sohail Malik dba Hempstead Food Mart, Docket No. 2008-0347-PST-E on September 25, 2008 assessing \$6,000 in administrative penalties with \$1,200 deferred.

Information concerning any aspect of this order may be obtained by contacting Judy Kluge, Enforcement Coordinator at (817) 588-5825, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Gulf Coast Waste Disposal Authority, Docket No. 2008-0375-MWD-E on September 25, 2008 assessing \$7,810 in administrative penalties with \$1,562 deferred.

Information concerning any aspect of this order may be obtained by contacting Heather Brister, Enforcement Coordinator at (254) 761-3034, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding San Antonio Water System, Docket No. 2008-0379-MWD-E on September 25, 2008 assessing \$7,400 in administrative penalties with \$1,480 deferred.

Information concerning any aspect of this order may be obtained by contacting Lauren Smitherman, Enforcement Coordinator at (512) 239-5223, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding G & R STORE, INC. dba 1 Stop Food Store, Docket No. 2008-0395-PST-E on September 25, 2008 assessing \$11,232 in administrative penalties with \$2,246 deferred.

Information concerning any aspect of this order may be obtained by contacting Judy Kluge, Enforcement Coordinator at (817) 588-5825, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Salvador G. Gonzalez dba Gonzalez Dairy, Docket No. 2008-0405-AGR-E on October 1, 2008 assessing \$5,775 in administrative penalties with \$1,155 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Jecha, Enforcement Coordinator at (512) 239-2576, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Teen Challenge of South Texas, Docket No. 2008-0426-MWD-E on September 25, 2008 assessing \$5,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Heather Brister, Enforcement Coordinator at (254) 761-3034, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Chevron Phillips Chemical Company LP, Docket No. 2008-0550-AIR-E on September 25, 2008 assessing \$3,213 in administrative penalties with \$642 deferred.

Information concerning any aspect of this order may be obtained by contacting John Muennink, Enforcement Coordinator at (361) 825-3423, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Equistar Chemicals, LP, Docket No. 2008-0564-AIR-E on September 25, 2008 assessing \$7,375 in administrative penalties with \$1,475 deferred.

Information concerning any aspect of this order may be obtained by contacting Rebecca Johnson, Enforcement Coordinator at (713) 422-8931, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of McGregor, Docket No. 2008-0587-MWD-E on September 25, 2008 assessing \$3,507 in administrative penalties with \$701 deferred.

Information concerning any aspect of this order may be obtained by contacting Heather Brister, Enforcement Coordinator at (254) 761-3034, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Kamary Development, Ltd., Docket No. 2008-0677-EAQ-E on September 25, 2008 assessing \$14,625 in administrative penalties with \$2,925 deferred.

Information concerning any aspect of this order may be obtained by contacting Lauren Smitherman, Enforcement Coordinator at (512) 239-5223, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding DCP Midstream, LP, Docket No. 2008-0695-AIR-E on September 25, 2008 assessing \$2,575 in administrative penalties with \$515 deferred.

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding J.C. Evans Construction Co., LP, Docket No. 2008-0874-AIR-E on September 25, 2008 assessing \$1,900 in administrative penalties with \$380 deferred.

Information concerning any aspect of this order may be obtained by contacting Terry Murphy, Enforcement Coordinator at (512) 239-5025, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding SandRidge Energy, Inc., Docket No. 2008-0169-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Donnie Lewis, Docket No. 2008-0215-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Kerry Charles Brown, Docket No. 2008-0358-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Sentinel Transportation, Docket No. 2008-00419-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding First Texas Homes, Inc., Docket No. 2008-0458-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding First Texas Homes, Inc., Docket No. 2008-0607-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding First Texas Homes, Inc., Docket No. 2008-0618-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Yellow Transportation, Inc., Docket No. 2008-0718-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Alonzo Aguilar dba Aguilars Grocery, Docket No. 2008-0719-PST-E on September 25, 2008 assessing \$1,750 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Southwest Convenience Stores, LLC dba 7-Eleven 57652, Docket No. 2008-0730-PST-E on September 25, 2008 assessing \$1,750 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Julian Castenada, Docket No. 2008-0733-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Johnny Stricklin, Docket No. 2008-0760-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Milk Transport Services, L.P., Docket No. 2008-0794-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Scott Egert dba Scott's Complete Car Care, Docket No. 2008-0796-PST-E on September 25, 2008 assessing \$2,625 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Albert B. Redding, Docket No. 2008-0797-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Mohsen Max Mousavi dba King's Food & Gas, Docket No. 2008-0809-PST-E on September 25, 2008 assessing \$875 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Franklin Bain, Docket No. 2008-0934-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding City of Wichita Falls, Docket No. 2008-0935-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding City of Wichita Falls, Docket No. 2008-0936-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding City of Tyler, Docket No. 2008-0937-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding The Card Group, Inc., Docket No. 2008-0938-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Seven Points Sand & Gravel, Inc., Docket No. 2008-0939-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding City of Carthage, Docket No. 2008-0948-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Trans Health Management, Inc., Docket No. 2008-1100-PST-E on September 25, 2008 assessing \$875 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding CHISHOLM OPERATING, INC., Docket No. 2008-1107-WR-E on September 25, 2008 assessing \$350 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Starr County, Docket No. 2008-1119-WR-E on September 25, 2008 assessing \$350 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Shelter Park, L.P., Docket No. 2008-1124-PST-E on September 25, 2008 assessing \$875 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Robert Serth, Docket No. 2008-1128-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Leroy McBride, Docket No. 2008-1129-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Larry Patterson, Docket No. 2008-1142-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Robert Wayne Baze, Docket No. 2008-1143-WOC-E on September 25, 2008 assessing \$210 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding Hal Jones Development, LLC, Docket No. 2008-1165-WQ-E on September 25, 2008 assessing \$700 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was entered regarding EnCana Oil & Gas (USA) Inc., Docket No. 2008-1166-WR-E on September 25, 2008 assessing \$350 in administrative penalties.

Information concerning any aspect of this citation may be obtained by contacting Melissa Keller, SEP Coordinator at (512) 239-1768, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An order was entered regarding Clarence A. Reeves dba Pleasant Ridge Addition and dba Timber Creek Addition, Docket No. 2005-1860-PWS-E on October 1, 2008 assessing \$20,760 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Patrick Jackson, Staff Attorney at (512) 239-6501, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-200805346

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 8, 2008

◆ ◆ ◆

Notice of Availability of the Draft Restoration Plan and Environmental Assessment for the Greens Bayou Site in Houston, Harris County, Texas

AGENCIES: Texas Commission on Environmental Quality (TCEQ), Texas Parks and Wildlife Department (TPWD), United States Department of the Interior (DOI), and National Oceanic and Atmospheric Administration (NOAA) (collectively the Trustees).

ACTION: Notice of availability of a Draft Restoration Plan and Environmental Assessment for ecological injuries and service losses associated with the Greens Bayou Site (Site) in Houston, Harris County, Texas, the Federal Consistency Determination for this Plan under the Texas Coastal Management Program, and of a 30-day period for public comment on the Draft Restoration Plan and Environmental Assessment, and the Federal Consistency Determination beginning October 10, 2008.

SUMMARY: Pursuant to 43 Code of Federal Regulations (CFR) §§11.32, 11.81, and 11.82, notice is hereby given that the "Draft Restoration Plan and Environmental Assessment for Greens Bayou, Harris County, Houston, Texas" (Draft RP/EA), and the Federal Consistency Determination with the Texas Coastal Management Program (CMP) related to the activities outlined in the Draft RP/EA are available for public review and comment. The Draft RP/EA has been approved by the state and federal natural resource Trustees listed previously to address natural resource injuries and resource service losses of an ecological nature attributable to releases of hazardous substances from the Site. The natural resource Trustees have reached a preliminary agreement with GB Biosciences Corporation and ISK Magnetix, Inc. to resolve their liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for damages to natural resources resulting from releases of hazardous substances from the Site. This Draft RP/EA presents the Trustees' assessment of these natural resource injuries and service losses attributable to the Site, and the plan for restoring ecological resources and services to compensate for those injuries and losses. The Trustees will consider input received during the public comment period before finalizing the Draft RP/EA.

The Federal Consistency Determination for this Draft RP/EA outlines the basis for NOAA's and DOI's determinations that the restoration actions described in the Draft RP/EA are consistent to the maximum extent possible, and will be undertaken in a manner consistent with the applicable policies of the CMP. Under federal law, actions and activities undertaken by a federal agency which affect the Texas coastal zone must be consistent with the goals and policies of the CMP identified in 31 Texas Administrative Code (TAC) Chapter 501. Under 31 TAC §506.20(c), a determination of consistency with the CMP must be made by the federal Trustees for natural resource damage assessment and restoration plans that are the product of a joint cooperative natural resource damage assessment by state and federal Trustees. Review of the Federal Consistency Determination is delegated to the state Trustees. The state Trustees will consider all comments received during the public comment period in their evaluation of the Federal Consistency Determination for the Draft RP/EA and will, depending on the comments received, submit a letter of concurrence to the federal Trustees.

To receive a copy of the Draft RP/EA, and/or the Federal Consistency Determination with the CMP, interested members of the public are invited to contact Richard Seiler at the Texas Commission on Environmental Quality, Remediation Division, MC 225, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2523 (phone) or (512) 239-4814 (fax), or contact Jessica White at the National Oceanic and Atmospheric Administration, c/o the United States Environmental Protection

Agency, 1445 Ross Avenue, MC 6SF-T, Dallas, Texas 75202, (214) 665-2217 (phone) or (214) 665-6460 (fax).

DEADLINE: Comments must be submitted in writing on or before November 17, 2008, to Richard Seiler of the TCEQ, or Jessica White of NOAA, at the addresses listed in the previous paragraph. The Trustees will consider all written comments prior to finalizing the Draft RP/EA and completing their review of the Federal Consistency Determination.

SUPPLEMENTARY INFORMATION: The Site consists of industrial facilities owned and operated by GB Biosciences Corporation and ISK Magnetix, Inc., surrounding industrial and undeveloped properties, the Harris County Flood Control District (HCFCD) ditch, and Greens Bayou. Historically the facility was owned and operated by Occidental Chemical Corporation. Haden Road roughly divides the Site into two parcels consisting of the operating facilities (approximately 134 acres) and a largely undeveloped tract of land (approximately 83 acres). Surface water from the Site is conducted in the HCFCD ditch, a lined culvert, where it flows through the facilities from north to south, then turns southwest near Haden Road and terminates at Greens Bayou. The HCFCD ditch was tidally influenced in the southern sections until a sediment retention dam was constructed at the mouth of the ditch in 2002. Greens Bayou flows east through an industrialized area before turning southwest prior to entering the Houston Ship Channel approximately 20 miles northeast of its confluence into Galveston Bay.

Historically, hazardous substances were improperly disposed of and released into the environment--both on site and in surrounding areas. Studies have revealed the presence of Dichloro-Diphenyl-Trichloroethane (DDT) and other hazardous substances in groundwater, soil, and sediment in the HCFCD ditch, in the surrounding properties, and in Greens Bayou. A significant source of this contamination was the HCFCD ditch, which likely received untreated process water, storm water, and ground water containing hazardous substances from the facility. The HCFCD ditch receives and conducts water from the Site before entering into Greens Bayou. In an effort to mitigate further impacts from contamination in the HCFCD ditch, a sediment retention dam was installed at the confluence of the ditch and Greens Bayou. In addition, a combination of response actions was selected to ensure continued navigational use of the bayou, prevent future impacts to the bayou from the potentially responsible party (PRP) properties, and to protect human health and the environment. These actions include groundwater monitoring and recovery, soil removal, property acquisition, and sediment removal.

NOAA, DOI, TPWD and TCEQ are designated natural resource Trustees under CERCLA §107(f), 42 United States Code (USC), §9607, Federal Water Pollution and Control Act (FWPCA) §311, 33 USC §1321, and other applicable federal or state laws, including the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Subpart G, and 40 CFR §§300.600 - 300.615. As Trustees, these agencies are authorized to act on behalf of the public under these authorities to protect and restore natural resources injured or lost as a result of discharges or releases of hazardous substances.

Paralleling TCEQ's remedial investigations for the Site, NOAA and DOI joined with the State Trustees in an effort to assess the natural resource injuries and service losses attributable to hazardous substances releases at the Site. The Trustees determined that two categories of injury resulted at the Greens Bayou Site, injury to bayou sediments and injury to terrestrial forested wetlands/grasslands. Approximately 6.9 acres of benthic habitat in Greens Bayou were impacted by hazardous substances historically released from the Site. This area and approximately 12.4 acres of additional benthic habitat will likely be impacted by the remedial actions at the Site. The creation of the Confined Dredge Disposal Facility to manage sediments dredged as part of the remedial activities will result in the destruction of approximately 33.6 acres of

wooded wetlands and grassland habitats. The work undertaken by the agencies indicated that construction of 10.9 acres of vegetated intertidal wetlands and preservation of 100 acres of forested wetland in the upper Galveston Bay, Buffalo Bayou, or San Jacinto River watersheds would be needed to compensate for these injuries and losses. On the basis of this information, the Trustees negotiated a settlement of state and federal natural resource damage claims related to the Site in which the PRPs would implement marsh construction and forested wetland preservation projects.

The Draft RP/EA identifies the information and methods used to define the natural resource injuries and losses of an ecological nature, including the scale of restoration actions, and identifies the restoration actions which are preferred to restore, replace, or acquire resources or services equivalent to those lost.

For further information, contact Richard Seiler at (512) 239-2523, e-mail: rseiler@tceq.state.tx.us, or Jessica White at (214) 665-2217, e-mail: jessica.white@noaa.gov.

TRD-200805315

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: October 7, 2008



Notice of District Hearing

Notice issued October 3, 2008.

TCEQ Docket No. 2008-0878-DIS; The Texas Commission on Environmental Quality (TCEQ) will conduct a hearing on an application for dissolution (Application) of Fort Bend County Municipal Utility District No. 20 (District). The Application was filed with the TCEQ and includes a petition by Lakeview BP Land, LP, the owner of property located within the District. The TCEQ will conduct this hearing under the authority of Chapters 49 and 54 of the Texas Water Code (TWC), Title 30, Chapter 293 of the Texas Administrative Code (TAC) and the procedural rules of the TCEQ. The TCEQ will conduct the hearing at 9:30 a.m., Wednesday, January 14, 2009, Building E, Room 201S, 12100 Park 35 Circle, Austin, Texas.

The District was created by the 60th Texas Legislature, on June 16, 1967, as Willowisp MUD, and was converted to District on July 1, 1975, by the Texas Water Rights Commission and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54, Texas Water Code. The District contains 164.95 acres of land within Fort Bend County Texas. Pursuant to 30 TAC §293.131, the petition filed with the Application states that dissolution is desirable and necessary because the District is not required for the development of land within its boundaries.

The petition filed with the Application states that the District: (1) has not performed any of the functions for which it was created for five consecutive years preceding the date of the Application; (2) is financially dormant; and (3) has no outstanding bonded indebtedness.

An affidavit from the State Comptroller of Public Accounts was included in the Application certifying that the District has no bonded indebtedness. The District has no known assets or liabilities.

Pursuant to TWC §49.327, if the request for dissolution is approved, the District's assets, if any, will escheat to the State of Texas and will be administered by the State Comptroller of Public Accounts and disposed of in the manner provided by Chapter 74 of the Texas Property Code.

CONTESTED CASE HEARING. The purpose of this hearing is to provide all interested persons the opportunity to appear and offer testimony

for or against the proposal contained in the Application. At the hearing, pursuant to TWC §49.324, the TCEQ will determine if the District should be dissolved.

INFORMATION. For information regarding the date and time this application will be heard before the TCEQ, please submit written inquiries to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC-103, at the same address. For additional information, individual members of the public may contact the Districts Review Team at (512) 239-4691. General information regarding TCEQ is available on the internet at www.tceq.state.tx.us.

Si desea información en Español, puede llamar al (512) 239-0200.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the TCEQ Office of Public Assistance at 1-800-687-4040 or 1-800-RELAY-TX (TDD), at least one week prior to the hearing.

TRD-200805343

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 8, 2008



Notice of District Petition

Notices issued October 3, 2008.

TCEQ Internal Control No. 07302008-D02; 290 Land Investments LP (the "Petitioner") filed a petition for creation of Harris County Municipal Utility District No. 496 (the "District") with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states the following: (1) the Petitioner is the owner of a majority in value of the land to be included in the proposed District; (2) the proposed District will contain approximately 211.96 acres located in Harris County, Texas; and (3) the proposed District is within the extraterritorial jurisdiction of the City of Houston, Texas. The petition indicates that there is one lien holder, Compass Bank, on the property to be included in the proposed District. The Petitioner has provided the TCEQ with a certificate evidencing the lien holder's consent to the creation of the proposed District. By Ordinance No. 2008-393, effective May 13, 2008, the City of Houston, Texas, gave its consent to the creation of the proposed District. According to the petition, the Petitioner has conducted a preliminary investigation to determine the cost of the project and from the information available at the time, the cost of the project is estimated to be approximately \$30,925,000.

TCEQ Internal Control No. 07302008-D03; 290 Land Investments LP (the "Petitioner") filed a petition for creation of Harris County Municipal Utility District No. 497 (the "District") with the TCEQ. The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states the following: (1) the Petitioner is the owner of a majority in value of the land to be included in the proposed District; (2) the proposed District will contain approximately 357.20 acres located in Harris County, Texas; and (3) the proposed District is within the extraterritorial jurisdiction of the City of Houston, Texas. The petition indicates that there is one lien holder, Compass Bank, on the property to be included in the proposed District. The Petitioner has provided

the TCEQ with a certificate evidencing the lien holder's consent to the creation of the proposed District. By Ordinance No. 2008-371, effective May 6, 2008, the City of Houston, Texas, gave its consent to the creation of the proposed District. According to the petition, the Petitioner has conducted a preliminary investigation to determine the cost of the project and from the information available at the time, the cost of the project is estimated to be approximately \$34,700,000.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.state.tx.us/comm_exec/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing;" (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en Español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.state.tx.us.

TRD-200805342

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 8, 2008



Notice of Water Quality Applications

The following notices were issued during the period of September 25, 2008 through October 2, 2008.

The following require the applicants to publish notice in a newspaper. Public comments, requests for public meetings, or requests for a contested case hearing may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087, WITHIN 30 DAYS OF THE DATE OF NEWSPAPER PUBLICATION OF THE NOTICE.

INFORMATION SECTION

CITY OF PARIS has applied to the Texas Commission on Environmental Quality (TCEQ) for a renewal of Texas Pollutant Discharge Elimina-

tion System (TPDES) Permit No. WQ0010479001, which authorizes the discharge of filter backwash effluent from a water treatment plant at a daily average flow not to exceed 1,200,000 gallons per day. The facility is located at 3700 Lake Crook Road, approximately one mile west of U.S. Highway 271, directly east of Lake Crook Dam and north of the City of Paris in Lamar County, Texas.

CITY OF SEABROOK has applied for a renewal of TPDES Permit No. WQ0010671001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 2,500,000 gallons per day. The facility is located adjacent to the intersection of Second Street and Todville Road in the City of Seabrook in Harris County, Texas.

HOLY TRINITY EPISCOPAL SCHOOL OF GREATER HOUSTON INC. has applied to the TCEQ for a new permit, proposed TPDES Permit No. WQ0014897001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 75,000 gallons per day. The facility was previously permitted under TPDES Permit No. WQ0014381001 which expired December 1, 2007. The facility is located approximately 1,000 feet west of the intersection of Beltway 8 and C.E. King Parkway in Harris County, Texas.

NAVASOTA WHARTON ENERGY PARTNERS LP which operates Colorado Bend Energy Center, a natural gas-fired combined-cycle power generation facility, has applied to the TCEQ for a major amendment to TPDES Permit No. WQ0004781000 to authorize an increase in the daily average flow limitation from 1,078,000 gallons per day to 1,650,000 gallons per day at Outfall 001; and an increase in the daily maximum flow limitation from 1,200,000 gallons per day to 1,850,000 gallons per day at Outfall 001; and to revise the free available chlorine sample type from composite to grab at Outfall 001. The current permit authorizes the discharge of cooling tower blowdown commingled with contact storm water and previously monitored effluent at a daily average flow not to exceed 1,078,000 gallons per day via Outfall 001; metal cleaning waste on an intermittent and flow variable basis via internal Outfall 101; and low volume waste and contact storm water via internal Outfall 201. The facility is located 1.4 miles southwest of the city limits of Wharton, Texas and adjacent to and north of State Highway 60 and approximately 0.75 miles southwest of County Road 3012, Wharton County, Texas.

PILOT TRAVEL CENTERS LLC which proposes to operate 367 Caddo Mills Plant, a wastewater treatment system for treating domestic wastewater from a retail fueling station and a restaurant, has applied for a new permit, proposed TPDES Permit No. WQ0004849000, to authorize the discharge of treated domestic wastewater from the restaurant, showers, and toilets at a daily average flow not to exceed 12,000 gallons per day via Outfall 001. The facility is located at 2226 Farm-to-Market Road 1903 at Interstate 30 East in the City of Caddo Mills, Hunt County, Texas.

PULTE HOMES OF TEXAS LP has applied for a renewal of TPDES Permit No. WQ0014650001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 450,000 gallons per day. TCEQ received this application on June 23, 2008. The facility will be located at 16702 West Lake Houston Parkway, approximately 1.8 miles south and 0.2 miles west of the intersection of Farm-to-Market Road 1960 and West Lake Houston Parkway in Harris County, Texas.

UNIVERSAL SERVICES FORT HOOD INC. has applied for a renewal of TPDES Permit No. WQ0013358001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 90,000 gallons per day. The facility is located approximately 500 feet north of Water Crest Road, 3,700 feet east of Clear Creek

Road, and approximately 4,400 feet southeast of the intersection of Clear Creek Road and U.S. Highway 190 in Bell County, Texas.

If you need more information about these permit applications or the permitting process, please call the TCEQ Office of Public Assistance, toll-free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

TRD-200805341

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 8, 2008



Notice of Water Rights Application

Notice issued September 23, 2008.

APPLICATION NO. 12310; Joe and Donna Riley, Applicants, 435 Private Road 1370, Dublin, Texas 76446, have applied for a water use permit to maintain an existing dam and reservoir located on an unnamed tributary of Resley Creek, Brazos River Basin, and to divert not to exceed 48 acre feet of water for agricultural purposes (irrigation) in Erath County. The application and fees were received on March 27, 2008. Additional information was received on July 2, 2008. The application was accepted for filing and declared administratively complete on July 18, 2008. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice.

INFORMATION SECTION

To view the complete issued notice go to the TCEQ's web site at www.tceq.state.tx.us/comm_exec/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

A public meeting is intended for the taking of public comment, and is not a contested case hearing.

The Executive Director can consider approval of an application unless a written request for a contested case hearing is filed. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested application which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided below.

If a hearing request is filed, the Executive Director will not issue the requested permit and may forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the

TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

TRD-200805344

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 8, 2008



Notice of Water Rights Applications

Notices issued September 30, 2008 through October 3, 2008.

APPLICATION NO. 08-2462I; The City of Dallas, Applicant, 1500 Marilla Street, Room 4AN, Dallas, Texas 75201, has applied to amend Certificate of Adjudication No. 08-2462 to increase the diversion amount and the maximum combined diversion rate from the perimeter of Lake Ray Hubbard on the East Fork Trinity River, Trinity River Basin in Dallas, Kaufman, Rockwall, and Collin Counties. The application and partial fees were received on July 11, 2007, and additional information and fees were received on April 11, and April 30, 2008. The application was declared administratively complete and accepted for filing on June 6, 2008. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice.

APPLICATION NO. 5889A; Revised notice of an application to amend a water use permit; Luminant Mining Company LLC, 500 N. Akard Street, LP 12-085, Dallas, Texas 75201, Applicant, has applied for an amendment to Water Use Permit 5889 to sever the authorization for a 180 acre-feet of storage from Water Use Permit No. 5504 and combine it with Permittee's water rights under Permit No. 5889. Luminant Mining Company LLC also seeks to maintain an additional existing reservoir known as AIV-4 on an unnamed tributary of Martin Creek, Sabine River Basin, for mining purposes and to divert and use 250 acre-feet of water per year on a term basis from three reservoirs being the two currently authorized (AI-50R and AI-129R) and the additional reservoir (AIV-4) on unnamed tributaries of Martin Creek, for mining purposes in Panola and Rusk Counties. Notice of this application was issued on August 29, 2007 to the water right holders of record in the Sabine River Basin, and the comment period ended October 12, 2007. On March 28, 2008 a document evidencing a change was received for Water Use Permit No. 5998 and the applicant amended their application to clarify the impoundment of water in reservoir AI-50R. Pursuant to that request, notice is being republished and mailed to all water right holders of record in the Sabine River Basin. Applicant owns Water Use Permit No. 5504, authorizing the impoundment of not to exceed 180 acre-feet of water in a reservoir AI-50 on Caney Branch, tributary of Martin Lake, Sabine River Basin for sediment control purposes at the Martin Lake Lignite Mine in Panola County with a priority date of December 30, 1994. Multiple special conditions apply. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.state.tx.us/comm_exec/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

A public meeting is intended for the taking of public comment, and is not a contested case hearing.

The Executive Director can consider approval of an application unless a written request for a contested case hearing is filed. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested application which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Texas Commission on Environmental Quality (TCEQ) Office of the Chief Clerk at the address provided below.

If a hearing request is filed, the Executive Director will not issue the requested permit and may forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

TRD-200805345
LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 8, 2008

Texas Facilities Commission

Request for Proposals #303-9-10411

The Texas Facilities Commission (TFC), on behalf of the Office of the Attorney General, announces the issuance of Request for Proposals (RFP) #303-9-10411. TFC seeks a five-year lease of approximately 10,733 square feet of office space in Houston, Harris County, Texas.

The deadline for questions is October 24, 2008; and the deadline for proposals is November 7, 2008 at 3:00 p.m. The award date is December 5, 2008. TFC reserves the right to accept or reject any or all

proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting TFC Purchaser Sandy Williams at (512) 475-0453. A copy of the RFP may be downloaded from the Electronic State Business Daily at http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=79200.

TRD-200805307
Kay Molina
General Counsel
Texas Facilities Commission
Filed: October 3, 2008

Request for Proposals #303-9-10424

The Texas Facilities Commission (TFC), on behalf of the Texas Department of Insurance, Division of Workers' Compensation, announces the issuance of Request for Proposals (RFP) #303-9-10424. TFC seeks a five year lease of approximately 12,475 square feet of office space in Dallas, Dallas County, Texas.

The deadline for questions is October 24, 2008 and the deadline for proposals is November 7, 2008 at 3:00 p.m. The award date is December 17, 2008. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of a RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting TFC Purchaser Sandy Williams at (512) 475-0453. A copy of the RFP may be downloaded from the Electronic State Business Daily at http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=79252.

TRD-200805329
Kay Molina
General Counsel
Texas Facilities Commission
Filed: October 7, 2008

Department of State Health Services

Licensing Actions for Radioactive Materials

The Department of State Health Services has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables. The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Dallas	Comprehensive Cardiac and Vascular Interventional Group	L06187	Dallas	00	09/18/08
Sugarland	St. Lukes Sugarland Partnership L.L.P. DBA St. Lukes Sugarland Hospital	L06180	Sugarland	00	09/26/08
Throughout Tx	SYMB Environmental L.L.C.	L06197	Wallisville	00	09/23/08

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Abilene	ARMC L.P. DBA Abilene Regional Medical Ctr.	L02434	Abilene	80	09/16/08
Abilene	ARMC L.P. DBA Abilene Regional Medical Ctr.	L02126	Abilene	18	09/23/08
Allen	Presbyterian Hospital of Allen	L05765	Allen	15	09/23/08
Arlington	Janik Enterprises, Inc. DBA Medical Physics Consultants	L03319	Arlington	11	09/18/08
Arlington	Arlington Memorial Hospital	L02217	Arlington	92	09/26/08
Athens	East Texas Medical Center	L02470	Athens	41	09/23/08
Austin	St. David's Healthcare Partnership L.P. L.L.P. DBA North Austin Medical Center	L04910	Austin	79	09/16/08
Austin	Austin Radiological Association	L00545	Austin	148	09/17/08
Austin	Columbia St. David's Healthcare System L.P. DBA South Austin Hospital	L03273	Austin	80	09/23/08
Austin	Daughters of Charity Health Svcs. of Austin DBA University Medical Ctr. at Brackenridge	L00268	Austin	101	09/24/08
Beaumont	Baptist Hospital of Southeast Texas	L00358	Beaumont	113	09/22/08
Beaumont	Sartomer Company, Inc.	L05937	Beaumont	02	09/18/08
Clifton	Goodall Witcher Healthcare Foundation	L03427	Clifton	16	09/24/08
College Station	TDI Brooks International, Inc.	L06139	College Station	01	09/24/08
Corpus Christi	The Corpus Christi Medical Center Bay Area	L04723	Corpus Christi	48	09/22/08
Dallas	Mallinckrodt, Inc.	L03580	Dallas	61	09/17/08
Dallas	Medi Physics, Inc. DBA G.E. Healthcare	L05529	Dallas	20	09/17/08
Dallas	Presbyterian Healthcare System DBA Presbyterian Hospital of Dallas	L04288	Dallas	25	09/24/08
Dallas	E+ PET Imaging V LP DBA PET Imaging of Dallas	L05726	Dallas	09	09/26/08
El Paso	East El Paso Physicians' Medical Center LLC	L05676	El Paso	09	09/18/08
El Paso	Cardinal Health 200 Inc. Medical Products and Services Convertors Division	L02407	El Paso	32	09/18/08
El Paso	Tenet Hospitals Limited DBA Sierra Providence East Medical Center	L06152	El Paso	04	09/22/08
Fort Worth	Baylor All Saints Medical Center	L02212	Fort Worth	80	09/24/08
Garland	Cardiology Consultants of North Dallas P.A.	L05454	Garland	11	09/19/08
Gilmer	East Texas Medical Center Gilmer	L05959	Gilmer	03	09/22/08
Houston	Betabatt, Inc.	L05961	Houston	04	09/18/08
Houston	Memorial Hospital Southwest	L00439	Houston	139	09/17/08
Houston	Memorial Hermann Hospital System DBA Memorial Hospital Memorial City	L01168	Houston	104	09/17/08
Houston	River Oaks Imaging and Diagnostic	L05493	Houston	17	09/17/08
Houston	River Oaks Imaging and Diagnostic	L05455	Houston	17	09/17/08

AMENDMENTS TO EXISTING LICENSES ISSUED (CONTINUED):

Location	Name	License #	City	Amend- ment #	Date of Action
Houston	River Oaks Imaging and Diagnostic	L04342	Houston	61	09/17/08
Houston	Memorial Cardiology Associates P.A.	L05349	Houston	10	09/17/08
Houston	CCNWHI L.P. DBA Cy Fair Cancer Center	L06050	Houston	02	09/19/08
Houston	River Oaks Imaging and Diagnostic L.P. DBA River Oaks Imaging and Diagnostic	L04342	Houston	62	09/18/08
Humble	Memorial Hermann Hospital Systems DBA Memorial Hermann Northeast	L02412	Humble	70	09/17/08
Irving	Baylor Medical Center at Irving DBA Irving Healthcare System	L02444	Irving	73	09/19/08
Jourdanton	Jourdanton Hospital Corporation DBA South Texas Regional Medical Center	L04966	Jourdanton	15	09/22/08
Katy	Memorial Hermann Katy Hospital	L03052	Katy	53	09/17/08
Kingsville	Christus Spohn Hospital Kleberg	L02917	Kingsville	44	09/29/08
Laredo	Laredo Texas Hospital Company L.P. DBA Laredo Medical Center	L01306	Laredo	65	09/17/08
Lewisville	Cardiovascular Specialists P.A.	L05507	Lewisville	15	09/25/08
Lubbock	IBA Molecular North America, Inc. DBA IBA Molecular	L05482	Lubbock	16	09/16/08
Lubbock	Lubbock Heart Hospital L.P.	L05742	Lubbock	07	09/24/08
Lufkin	The Heart Institute of East Texas P.A.	L04147	Lufkin	18	09/23/08
Paris	Paris Cardiology Center	L06007	Paris	04	09/16/08
Plano	Texas Heart Hospital of the Southwest L.L.P. DBA The Heart Hospital Baylor Plano	L06004	Plano	10	09/15/08
Round Rock	Daughters of Charity Health Svcs. of Austin DBA Seton Medical Center Williamson	L06128	Round Rock	03	09/15/08
Round Rock	Heart and Vascular of Central Texas	L06045	Round Rock	02	09/25/08
Round Rock	Daughters of Charity Health Svcs. of Austin DBA Seton Medical Center Williamson	L06128	Round Rock	4	09/26/08
San Antonio	VHS San Antonio Partners L.L.C. DBA Baptist Health System	L00455	San Antonio	179	09/17/08
San Antonio	VHS San Antonio Imaging Partners L.P. DBA Baptist M and S Imaging Centers	L04506	San Antonio	68	09/17/08
San Antonio	South Texas Radiology Imaging Centers	L00325	San Antonio	167	09/17/08
San Antonio	Christus Santa Rosa Health Care	L02237	San Antonio	101	09/18/08
Sherman	Wilson N. Jones Memorial Hospital	L02384	Sherman	35	09/23/08
Stafford	Sugarland Veterinary Specialists P.C.	L05903	Stafford	06	09/15/08
The Woodlands	Memorial Hospital The Woodlands	L03772	The Woodlands	64	09/17/08
Throughout Tx	Team Industrial Services, Inc.	L00087	Alvin	191	09/15/08
Throughout Tx	Team Industrial Services, Inc.	L00087	Alvin	192	09/22/08
Throughout Tx	Team Industrial Services, Inc.	L00087	Alvin	193	09/22/08
Throughout Tx	Weatherford US L.P.	L02756	Alvin	25	09/24/08
Throughout Tx	Gulf Coast Weld Spec.	L05426	Beaumont	73	09/25/08
Throughout Tx	Earth Tech	L05449	Brooks City-Base	06	09/15/08
Throughout Tx	Brazos Valley Inspection	L02859	Bryan	68	09/24/08
Throughout Tx	NDE Solutions L.L.C.	L05879	College Station	18	09/17/08
Throughout Tx	South Texas Mining Venture L.L.P.	L06017	Corpus Christi	03	09/17/08
Throughout Tx	Alliance Geotechnical Group, Inc.	L05314	Dallas	12	09/16/08
Throughout Tx	Fargo Consultants, Inc.	L05300	Dallas	08	09/23/08
Throughout Tx	H and H X-Ray Services, Inc.	L02516	Flint	73	09/22/08
Throughout Tx	Halliburton Energy Services, Inc.	L02113	Houston	112	09/15/08
Throughout Tx	Halliburton Energy Services, Inc.	L00442	Houston	117	09/15/08
Throughout Tx	Halliburton Energy Services, Inc.	L03284	Houston	34	09/15/08
Throughout Tx	Key Electric Wireline Services, L.L.C.	L06003	Houston	04	09/11/08
Throughout Tx	Radiographic Specialists, Inc.	L02742	Houston	61	09/25/08
Throughout Tx	Mandes Inspection and Testing Services, Inc.	L05220	Houston	61	09/25/08

AMENDMENTS TO EXISTING LICENSES ISSUED (CONTINUED):

Location	Name	License #	City	Amendment #	Date of Action
Throughout Tx	Suntrac Services, Inc.	L03062	League City	27	09/17/08
Throughout Tx	Hi-Tech Testing Service, Inc.	L05021	Longview	72	09/23/08
Throughout Tx	Perry Equipment Corporation	L00330	Mineral Wells	41	09/17/08
Throughout Tx	Black Warrior Wireline Corporation	L04473	Odessa	29	09/23/08
Throughout Tx	T. C. Inspection, Inc.	L05833	Oyster Creek	32	09/17/08
Throughout Tx	Conam Inspection and Engineering	L05010	Pasadena	149	09/15/08
Throughout Tx	Petrochem Inspection Services, Inc.	L04460	Pasadena	91	09/15/08
Throughout Tx	Techcorr USA L.L.C.	L05972	Pasadena	53	09/23/08
Throughout Tx	Conam Inspection and Engineering, Inc.	L05010	Pasadena	150	09/24/08
Throughout Tx	Midwest Inspection Services	L03120	Perryton	112	09/25/08
Throughout Tx	All American Inspection, Inc.	L01336	San Antonio	65	09/25/08
Throughout Tx	STP Nuclear Operating Company	L04222	Wadsworth	26	09/23/08
Waco	Providence Health Center	L01638	Waco	55	09/17/08
Webster	River Oaks Imaging and Diagnostic	L05475	Webster	16	09/17/08

RENEWAL OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Brownsville	Jaime L. Silva, M.D. P.A.	L05245	Brownsville	07	09/24/08
Palestine	Palestine Principal Healthcare Ltd. Partnership DBA Palestine Regional Medical Center	L02728	Palestine	42	09/18/08
Throughout Tx	Garner Environmental Services, Inc.	L05228	Deer Park	04	09/24/08

In issuing new licenses, amending and renewing existing licenses, or approving license exemptions, the Department of State Health Services (department), Radiation Safety Licensing Branch, has determined that the applicant has complied with the applicable provisions of Title 25 Texas Administrative Code (TAC) Chapter 289, regarding radiation control. In granting termination of licenses, the department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC Chapter 289. In denying the application for a license, license renewal or license amendment, the department has determined that the applicant has not met the applicable requirements of 25 TAC Chapter 289.

This notice affords the opportunity for a hearing on written request of a person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. A person affected may request a hearing by writing Richard A. Ratliff, Radiation Program Officer, Department of State Health Services, Radiation Material Licensing - MC 2835, P.O. Box 149347, Austin, Texas 78714-9347. For information call (512) 834-6688.

TRD-200805309
Lisa Hernandez
General Counsel
Department of State Health Services
Filed: October 3, 2008



Texas Higher Education Coordinating Board

Request for Offers

PURPOSE: The Texas Higher Education Coordinating Board (hereinafter referred to as THECB) is soliciting offers from organizations (hereinafter referred to as Consultant) for consulting services to advise THECB on the Texas Association of Developing Colleges (hereinafter referred to as TADC) Centers for Teacher Education.

The ultimate objectives of this Request for Offers (hereinafter referred to as RFO) are to:

- (1) Facilitate and coordinate a collaborative strategic planning process to involve TADC college administration in planning for collaborative distance education, upgrading of technology, curriculum development and redesign and improvement of TExES/ExCET preparation.
- (2) Work in collaboration with the Texas Higher Education Coordinating Board and TADC college administration to identify training needs of college faculty in the centers for teacher education in the areas related to distance education, curriculum development and improvement of TExES/ExCET preparation.
- (3) Facilitate and coordinate college administration and faculty professional development workshops to meet areas of need for delivery

of distance education, curriculum development and redesign and improvement of TExES/ExCET preparation.

(4) Report progress in TADC teacher education enrollment, level of participation in the distance education program, successful student placements, and other evaluative measures.

The work covered in this RFO is related to services being provided to the THECB under an existing contract. THECB intends to award the contract to a consultant who has previously provided the services requested in this RFO unless a better offer is received.

AWARD OF CONTRACT: Contract will be negotiated with an entity that is selected from among the Applicants that are determined through the evaluation process to have a successful Offer. Submission of an Offer confers no rights of Applicant to an award or to a subsequent Contract, if there is one. The issuance of this RFO does not guarantee that a Contract will ever be awarded. THECB reserves the right to amend the terms and provisions of the RFO, negotiate with Applicant, add, delete, or modify the Contract, extend the deadline for submission of Offers, or withdraw the RFO entirely for any reason solely at THECB's discretion. An individual Offer may be rejected if it fails to meet any requirement of this RFO. THECB may seek clarification from Applicant at any time, and failure to respond within a reasonable time frame is cause for rejection of an Offer.

INQUIRIES: All inquiries shall be directed to Susan Barnes, Senior Director, at Susan.Barnes@thecb.state.tx.us. Applicant must not discuss an Offer(s) with any other THECB employee unless authorized by one of the Points of Contact. Questions must be submitted in writing and received no later than October 21, 2008 at 5:00 p.m. C.D.T. All responses by THECB must be in writing in order to be binding. Any information deemed by THECB to be important and of general interest or which modify requirements shall be sent to all recipients of the RFO in the form of an addendum.

CLOSING DATE: October 27, 2008

TRD-200805348

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: October 8, 2008

Texas Department of Insurance

Notice of Public Hearing 2008 Texas Workers' Compensation Biennial Rate Hearing

Docket No. 2698

TO ALL INSURANCE COMPANIES, CORPORATIONS, EXCHANGES, MUTUALS, RECIPROCALLS, ASSOCIATIONS, LLOYDS, OR OTHER INSURERS WRITING WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE IN THE STATE OF TEXAS, THEIR AGENTS AND REPRESENTATIVES, AND THE PUBLIC GENERALLY.

Subject and Scope

Notice is hereby given that a public hearing to review rates to be charged for workers' compensation insurance written in the State of Texas will be held before the Commissioner of Insurance (Commissioner). The hearing will begin at 9:30 a.m. in Room 100 of the William P. Hobby, Jr. State Office Building, 333 Guadalupe Street in Austin, Texas on November 5, 2008, and continue thereafter at dates, times, and places designated by the Commissioner until conclusion.

The scope of the hearing includes subjects and matters related to writing workers' compensation insurance in this state, including but not limited to:

- (i) the effects on workers' compensation rates and premiums as a result of the enactment of House Bill (HB) 7 (79th Legislature, Regular Session, 2005);
- (ii) participation of employers in certified workers' compensation health care networks;
- (iii) participation of Texas businesses in the workers' compensation system; and
- (iv) other information to explain the change in the experience of workers' compensation in Texas since 2001.

Applicable Authority, Jurisdiction, Statutes and Rules

The Commissioner has jurisdiction over this hearing pursuant to Texas Insurance Code Chapter 2053, §31.002, and §31.021 and Articles 5.66, 5.77, 5.78, and 5.96; Title 5 of the Texas Labor Code; and other workers' compensation laws in this state.

Texas Insurance Code §2053.056(a) requires the Commissioner to conduct a public hearing each biennium, beginning not later than December 1, 2008, to review rates to be charged for workers' compensation insurance written in this state. Pursuant to §2053.056(b), each insurance company subject to Chapter 2053 and Article 5.66 is required to submit its rates, supporting information, and supplementary rating information to the Commissioner.

Pursuant to §2053.056(a) of the Texas Insurance Code, the public hearing is not a contested case as defined by Texas Government Code §2001.003. Department Rules of Practice and Procedure consistent with §2053.056(a) of the Texas Insurance Code will govern these proceedings.

The Commissioner will consider written and oral testimony presented and filed by insurers, groups, trusts, agents, consumers, and others related to all aspects of writing workers' compensation insurance in Texas.

Requested Information

The Commissioner is particularly interested in receiving input in the following areas:

the impact of HB 7 on workers' compensation rates and premiums paid by Texas employers, including the projected workers' compensation rate and premium savings realized by employers as a result of the implementation of certified workers' compensation health care networks;

the effect of HB 7 legislative reforms on market competition, carrier loss ratios and combined ratios and the use and effect of individual risk premium variations;

the percentage of employers who provide workers' compensation insurance coverage for their employees;

the participation of employers in certified workers' compensation health care networks, with particular emphasis on small and medium-sized employers; and

the factors affecting workers' compensation losses and premium changes in Texas since 2001, including information regarding insurers' experience regarding:

claim frequency changes;

changes in indemnity and medical costs;

use of carrier cost-containment and return-to-work strategies;

impact of the implementation of return-to-work guidelines;
treatment guidelines and medical fee guidelines; and
any other factors influencing workers' compensation losses and premiums since 2001.

Testimony and Exhibits

The Department will accept written testimony and exhibits on the matters to be considered in the public hearing no later than 5:00 p.m. on October 30, 2008, to Gene C. Jarmon, General Counsel and Chief Clerk, Texas Department of Insurance, P.O. Box 149104, MC 113-2A, Austin, Texas 78714-9104. An additional copy of the comments should be simultaneously submitted to J'ne Byckovski, Chief Actuary, Property and Casualty Actuarial Division, Texas Department of Insurance, P.O. Box 149104, MC 105-5F, Austin, Texas 78714-9104. Interested persons may also submit oral and/or written testimony at the hearing.

Deadlines Subject to Change

All deadlines in this notice are subject to change at the Commissioner's discretion to the extent permitted by statute and rule.

TRD-200805312

Gene C. Jarmon

Chief Clerk and General Counsel

Texas Department of Insurance

Filed: October 6, 2008



Texas Lottery Commission

Instant Game Number 1110 "Maybe It's Your Lucky Day"

Figure 1: GAME NO. 1110 - 1.2D

PLAY SYMBOL	CAPTION
CLOVER SYMBOL	
STAR SYMBOL	
HORSESHOE SYMBOL	
FREE SYMBOL	TICKET
\$2.00	TWO\$
\$3.00	THREE\$
\$4.00	FOUR\$
\$5.00	FIVE\$
\$6.00	SIX\$
\$10.00	TEN\$
\$20.00	TWENTY
\$50.00	FIFTY
\$300	THR HUND

E. Serial Number - A unique 14 (fourteen) digit number appearing under the latex scratch-off covering on the front of the ticket. There will be a four (4)-digit "security number" which will be individually boxed and randomly placed within the number. The remaining ten (10) digits of the Serial Number are the Validation Number. The Serial Number is positioned beneath the bottom row of play data in the scratched-off play area. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 00000000000000.

1.0 Name and Style of Game.

A. The name of Instant Game No. 1110 is "MAYBE IT'S YOUR LUCKY DAY". The play style for this game is "row/column/diagonal".

1.1 Price of Instant Ticket.

A. Tickets for Instant Game No. 1110 shall be \$1.00 per ticket.

1.2 Definitions in Instant Game No. 1110.

A. Display Printing - That area of the instant game ticket outside of the area where the Overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the ticket.

C. Play Symbol - The printed data under the latex on the front of the instant ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black play symbols are: CLOVER SYMBOL, STAR SYMBOL, HORSESHOE SYMBOL, FREE SYMBOL, \$2.00, \$3.00, \$4.00, \$5.00, \$6.00, \$10.00, \$20.00, \$50.00, and \$300.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

F. Low-Tier Prize - A prize of \$1 Quick Pick Lotto Texas Free Ticket, \$2.00, \$3.00, \$4.00, \$5.00, \$6.00, \$10.00, or \$20.00.

G. Mid-Tier Prize - A prize of \$50.00 or \$300.

H. Bar Code - A 24 (twenty-four) character interleaved two (2) of five (5) bar code which will include a four (4) digit game ID, the seven (7) digit pack number, the three (3) digit ticket number, and the ten (10) digit Validation Number. The bar code appears on the back of the ticket.

I. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1110), a seven (7) digit pack number, and a three (3) digit ticket number. Ticket numbers start with 001 and end with 150 within each pack. The format will be: 1110-0000001-001.

J. Pack - A pack of "MAYBE IT'S YOUR LUCKY DAY" Instant Game tickets contains 150 tickets, packed in plastic shrink-wrapping and fan-folded in pages of five (5). Tickets 001 to 005 will be on the top page; tickets 006 to 010 on the next page; etc.; and tickets 146 to 150 will be on the last page with backs exposed. Ticket 001 will be folded over so the front of ticket 001 and 010 will be exposed.

K. Non-Winning Ticket - A ticket which is not programmed to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401.

L. Ticket or Instant Game Ticket, or Instant Ticket - A Texas Lottery "MAYBE IT'S YOUR LUCKY DAY" Instant Game No. 1110 ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general ticket validation requirements set forth in Texas Lottery Rule §401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "MAYBE IT'S YOUR LUCKY DAY" Instant Game is determined once the latex on the ticket is scratched off to expose 9 (nine) Play Symbols. If a player reveals three (3) "horseshoe" play symbols, three (3) "clover" play symbols, or three (3) "star" play symbols in any one row, column or diagonal, the player wins the PRIZE shown. No portion of the display printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Instant Game.

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

1. Exactly 9 (nine) Play Symbols must appear under the latex overprint on the front portion of the ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The ticket shall be intact;
6. The Serial Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the ticket;
8. The ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted, or tampered with in any manner;
9. The ticket must not be counterfeit in whole or in part;
10. The ticket must have been issued by the Texas Lottery in an authorized manner;
11. The ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number, Retailer Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner;

13. The ticket must be complete and not miscut, and have exactly 9 (nine) Play Symbols under the latex overprint on the front portion of the ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Ticket Number on the ticket;

14. The Serial Number of an apparent winning ticket shall correspond with the Texas Lottery's Serial Numbers for winning tickets, and a ticket with that Serial Number shall not have been paid previously;

15. The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;

16. Each of the 9 (nine) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 9 (nine) Play Symbols on the ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The ticket must have been received by the Texas Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Consecutive non-winning tickets will not have identical play data, spot for spot.

B. There will be only one occurrence of three matching play symbols appearing in a row, column or diagonal on winning tickets as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "MAYBE IT'S YOUR LUCKY DAY" Instant Game prize of \$1 Quick Pick Lotto Texas Free Ticket, \$2.00, \$3.00, \$4.00, \$5.00, \$6.00, \$10.00, \$20.00, \$50.00, or \$300, a claimant shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the ticket; provided that the Texas Lottery Retailer may, but is not required to, pay a \$50.00 or \$300 ticket. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and

instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. As an alternative method of claiming a "MAYBE IT'S YOUR LUCKY DAY" Instant Game prize, the claimant must sign the winning ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, Post Office Box 16600, Austin, Texas 78761-6600. The risk of sending a ticket remains with the claimant. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller of Public Accounts, the Texas Workforce Commission, or Texas Alcoholic Beverage Commission;
2. delinquent in making child support payments administered or collected by the Office of the Attorney General;
3. delinquent in reimbursing the Texas Health and Human Services Commission for a benefit granted in error under the food stamp program or the program of financial assistance under Chapter 31, Human Resources Code;
4. in default on a loan made under Chapter 52, Education Code; or
5. in default on a loan guaranteed under Chapter 57, Education Code.

D. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize of less than \$600 from the "MAYBE IT'S YOUR LUCKY DAY" Instant Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of more than \$600 from the "MAYBE IT'S YOUR LUCKY DAY" Instant Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any prize not claimed within that period, and in the manner specified in these Game Procedures and on the back of each ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales, and number of prizes claimed. An Instant Game ticket may continue to be sold even when all the top prizes have been claimed.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the ticket in the space designated. If more than one name appears on the back of the ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Instant Game tickets and shall not be required to pay on a lost or stolen Instant Game ticket.

4.0 Number and Value of Instant Prizes. There will be approximately 240,000 tickets in the Instant Game No. 1110. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1110 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in**
\$1 Quick Pick Lotto Texas Free Ticket	4.55	52,800
\$2	18.75	12,800
\$3	25.00	9,600
\$4	50.00	4,800
\$5	75.00	3,200
\$6	150.00	1,600
\$10	150.00	1,600
\$20	300.00	800
\$50	1,600.00	150
\$300	13,333.33	18

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 2.75. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Instant Game. The Executive Director may, at any time, announce a closing date (end date) for the Instant Game No. 1110 without advance notice, at which point no further tickets in that game may be sold.

6.0 Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these Game Procedures for Instant Game No. 1110, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401, and all final decisions of the Executive Director.

TRD-200805298
Kimberly L. Kiplin
General Counsel
Texas Lottery Commission
Filed: October 2, 2008

Texas Department of Public Safety

Hazard Mitigation Grant Program (HMGP) FEMA-1791-DR

As a result of Hurricane Ike a major disaster (FEMA-1791-DR) was declared by the President on September 13, 2008. Due to this declaration, Texas is authorized federal funds through the Hazard Mitigation Grant Program (HMGP). This program is a 75/25 federal to local cost-share program by the Federal Emergency Management Agency (FEMA), and administered by the State of Texas. The HMGP is a mitigation grant with a single mission to provide a means to:

* prevent or reduce future losses to lives and property through the identification and funding of cost-effective mitigation measures.

* minimize the costs of future disaster response and recovery.

The HMGP can fund mitigation measures that protect both public and private property, so long as the measures fit within the overall mitigation strategy for the disaster area, are cost effective, and comply with all federal and state program guidelines.

All eligible applicants, which include local governments, state agencies, certain non-profit organizations and institutions, and Indian tribes or authorized tribal organizations are invited and encouraged to take advantage of this opportunity and apply for HMGP funds. These funds will be allocated to applicants based on a competitive application process.

If your organization is interested in participating in the HMGP process, you are invited to submit a Notice of Interest to be postmarked by midnight on January 9, 2009, to the Texas Hazard Mitigation Officer, Texas Department of Public Safety, Division of Emergency Management, P.O. Box 4087, Austin, Texas 78773-0226, by e-mail to either address below, or by fax to (512) 424-5647. The HMGP application deadline for this disaster will be midnight on March 13, 2009. Detailed information including an HMGP Fact Sheet and the forms to use for development and submission of both a notice of interest (NOI) and a complete HMGP application, are available on the Department of Public Safety/Governor's Division of Emergency Management website located at the following address: <http://www.txdps.state.tx.us/dem/pages/downloadable-forms.htm#hmgpgrants>.

If you have questions or need assistance, please contact:

Mitigation Grants Officer Hildy Soper at (512) 424-2454 or by e-mail to: hildy.soper@txdps.state.tx.us.

Mitigation Specialist Carolyn Looney at (512) 424-5683 or by e-mail to: carolyn.looney@txdps.state.tx.us.

TRD-200805304
Stanley E. Clark
Director
Texas Department of Public Safety
Filed: October 2, 2008

◆ ◆ ◆
Public Utility Commission of Texas

Announcement of Application for an Amendment to a State-Issued Certificate of Franchise Authority

The Public Utility Commission of Texas received an application on September 29, 2008, for an amendment to a state-issued certificate of franchise authority (CFA), pursuant to §§66.001 - 66.016 of the Public Utility Regulatory Act (PURA).

Project Title and Number: Application of Cable One, Inc. for an Amendment to a State-Issued Certificate of Franchise Authority, Project Number 36202 before the Public Utility Commission of Texas.

The requested amended CFA service area includes the City of Stinnett, Texas.

Information on the application may be obtained by contacting the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All inquiries should reference Project Number 36202.

TRD-200805295
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 2, 2008

◆ ◆ ◆
Announcement of Application for an Amendment to a State-Issued Certificate of Franchise Authority

The Public Utility Commission of Texas received an application on September 29, 2008, for an amendment to a state-issued certificate of franchise authority (CFA), pursuant to §§66.001 - 66.016 of the Public Utility Regulatory Act (PURA).

Project Title and Number: Application of Southwestern Bell Telephone Company d/b/a AT&T Texas for an Amendment to a State-Issued Certificate of Franchise Authority, Project Number 36208 before the Public Utility Commission of Texas.

The requested amended CFA service area includes all or portions of the following municipalities and/or unincorporated areas in the El Paso area: Agua Dulce, Anthony, Butterfield, Canutillo, Clint, El Paso, Fort Bliss, Homestead Meadows North, Homestead Meadows South, Horizon City, Morning Glory, San Elizario, Socorro, Sparks, Vinton, and Westway, Texas.

Information on the application may be obtained by contacting the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All inquiries should reference Project Number 36208.

TRD-200805300

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 2, 2008

◆ ◆ ◆
Notice of Application for a Certificate to Provide Retail Electric Service

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on October 3, 2008, for retail electric provider (REP) certification, pursuant to §§39.101 - 39.109 of the Public Utility Regulatory Act (PURA).

Docket Title and Number: Application of General Entrepreneurs, LLC, d/b/a Nur Energy for Retail Electric Provider (REP) Certification, Docket Number 36226 before the Public Utility Commission of Texas.

Applicant's requested service area by geography includes the geographic area of the entire State of Texas.

Persons wishing to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than October 24, 2008. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 36226.

TRD-200805326
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 7, 2008

◆ ◆ ◆
Notice of Application for Amendment to Service Provider Certificate of Operating Authority

On September 29, 2008, Tex-Link Communications, Inc. filed an application with the Public Utility Commission of Texas (commission) to amend its service provider certificate of operating authority (SPCOA) granted in SPCOA Certificate Number 60050. Applicant intends to reflect a change in ownership/control to Pac-West Telecomm, Inc.

The Application: Application of Tex-Link Communications, Inc. for an Amendment to its Service Provider Certificate of Operating Authority, Docket Number 36203.

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than October 22, 2008. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 36203.

TRD-200805296
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 2, 2008

◆ ◆ ◆
Notice of Application for Approval of Special Amortization

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on October 2, 2008, for approval of a special amortization of central office equipment - soft switch effective January 1, 2008 through June 30, 2010, pursuant to §52.252 and §53.056, of the Public Utility Regulatory Act, TEXAS UTILITY CODE ANNOTATED (Vernon 2007 & Supplemental 2008) (PURA). A summary of the application follows.

Docket Title and Number: Application of Coleman County Telephone Cooperative, Inc. for Approval of a Special Amortization Pursuant to P.U.C. Substantive Rule §26.206, Docket Number 36219.

The Application: Coleman County Telephone Cooperative, Inc. (Coleman) seeks approval of a special amortization for central office equipment - soft switch effective January 1, 2008 through June 30, 2010. Coleman seeks such approval due to the failed business of the vendor of the existing soft switch which will no longer be supported and the reason replacement of the existing soft switch is necessary.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Docket Number 36219.

TRD-200805327

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 7, 2008

◆ ◆ ◆
Notice of Application for Designation as a Resale Eligible Telecommunications Provider

Notice is given to the public of an application filed with the Public Utility Commission of Texas on October 3, 2008, for designation as a resale eligible telecommunications provider (R-ETP) pursuant to P.U.C. Substantive Rule §26.419.

Docket Title and Number: Application of Tele-One Communications, Inc. for Designation as a Resale Eligible Telecommunications Provider. Docket Number 36227.

The Application: The company is requesting R-ETP designation in order to be eligible to receive federal and state universal service funding to assist it in providing universal service in Texas. Pursuant to P.U.C. Substantive Rule §26.419, the commission, either upon its own motion or upon request, shall designate qualifying common carriers as R-ETPs for service areas set forth by the commission. Tele-One Communications, Inc. seeks R-ETP designation in the entire State of Texas currently served by Southwestern Bell Telephone Company d/b/a AT&T Texas, Embark, Verizon Southwest, and Windstream.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by November 6, 2008. Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or you may call the Public Utility Commission's Customer Protection Division at (512) 936-7120 or 1-888-782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or use Relay Texas 1-800-735-2989 to reach the commission's toll free number 1-888-782-8477. All comments should reference Docket Number 36227.

TRD-200805323

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 7, 2008

◆ ◆ ◆
Notice of Application for Service Provider Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on September 29, 2008, for a service provider certificate of operating authority (SPCOA), pursuant to §§54.151 - 54.156 of the Public Utility Regulatory Act (PURA).

Docket Title and Number: Application of VTX Communications, LP for a Service Provider Certificate of Operating Authority, Docket Number 36204 before the Public Utility Commission of Texas.

Applicant intends to provide optical services, T1-Private Line, and Fractional T1 services.

Applicant's requested SPCOA geographic area includes the entire State of Texas.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than October 22, 2008. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 36204.

TRD-200805297

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 2, 2008

◆ ◆ ◆
Notice of Application for Service Provider Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on October 2, 2008, for a service provider certificate of operating authority (SPCOA), pursuant to §§54.151 - 54.156 of the Public Utility Regulatory Act (PURA).

Docket Title and Number: Application of Sage Spectrum, LLC for a Service Provider Certificate of Operating Authority, Docket Number 36222 before the Public Utility Commission of Texas.

Applicant intends to provide plain old telephone service, ADSL, ISDN, and long distance services.

Applicant's requested SPCOA geographic area includes the area of Texas currently served by Southwestern Bell Telephone Company d/b/a AT&T Texas, and Verizon Southwest.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than October 22, 2008. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 36222.

TRD-200805325

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 7, 2008



Notice of Application for Waiver of Denial of Request for NXX Code

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on September 29, 2008, for waiver of denial by the Pooling Administrator (PA) of Southwestern Bell Telephone Company d/b/a AT&T Texas' (AT&T Texas) request for assignment of a full code of 10,000 consecutive numbers in the San Antonio rate center.

Docket Title and Number: Petition of Southwestern Bell Telephone Company d/b/a AT&T Texas for Waiver of Denial of Numbering Resources, Docket Number 36207.

The Application: AT&T Texas submitted an application to the PA for the requested blocks in accordance with the current guidelines. The PA denied the request because AT&T Texas did not meet the months-to-exhaust and utilization criteria established by the Federal Communications Commission.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than October 22, 2008. Hearing and speech impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 36207.

TRD-200805299
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 2, 2008



Notice of Application for Waiver of Denial of Request for NXX Code

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on September 30, 2008, for waiver of denial by the Pooling Administrator (PA) of Southwestern Bell Telephone Company d/b/a AT&T Texas' (AT&T Texas) request for assignment of one growth block in the McAllen rate center.

Docket Title and Number: Petition of Southwestern Bell Telephone Company d/b/a AT&T Texas for Waiver of Denial of Numbering Resources, Docket Number 36213.

The Application: AT&T Texas submitted an application to the PA for the requested blocks in accordance with the current guidelines. The PA denied the request because AT&T Texas did not meet the months-to-exhaust and utilization criteria established by the Federal Communications Commission.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than October 22, 2008. Hearing and speech impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 36213.

TRD-200805301
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 2, 2008



Notice of Application to Amend Certificated Service Area Boundaries in Guadalupe County, Texas

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on October 2, 2008, for an amendment to certificated service area boundaries within Guadalupe County, Texas.

Docket Style and Number: Joint Application of CPS Energy and Guadalupe Valley Electric Cooperative, Inc. for a Certificate of Convenience and Necessity Amendment for Service Area Boundaries within Guadalupe County. Docket Number 36220.

The Application: CPS Energy and Guadalupe Valley Electric Cooperative, Inc. seek to amend their service area boundaries within Guadalupe County. Two minor boundary changes are proposed: Area 1 (Riata Subdivision) and Area 2. The proposed boundary changes are requested to more efficiently provide service to undeveloped areas. There is no existing service in either Area 1 or Area 2.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas no later than October 24, 2008 by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All comments should reference Docket Number 36220.

TRD-200805328
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 7, 2008



Notice of Application to Relinquish a Service Provider Certificate of Operating Authority

On October 1, 2008, DVC Telecom filed an application with the Public Utility Commission of Texas (commission) to relinquish its service provider certificate of operating authority (SPCOA) granted in SPCOA Certificate Number 60204. Applicant intends to relinquish its certificate.

The Application: Application of DVC Telecom to Relinquish its Service Provider Certificate of Operating Authority, Docket Number 36216.

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 no later than October 22, 2008. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 36216.

TRD-200805324

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 7, 2008

◆ ◆ ◆
**Notice of Request for Eligible Telecommunications Provider
for Uncertificated Areas Pursuant to P.U.C. Substantive Rule
§26.421**

Notice is given to the public of an application filed with the Public Utility Commission of Texas on September 2, 2008, petitioning for telecommunications service in an uncertificated area pursuant to P.U.C. Substantive Rule §26.421.

Docket Title and Number: Petition of Cathryn Cope Kessler for Telecommunications Service in Uncertificated Area Pursuant to P.U.C. Substantive Rule §26.421. Docket Number 36097.

The Application: Ms. Kessler has filed a petition requesting telecommunications service in an uncertificated area. The commission has determined that the application is complete as filed. The applicant has identified the premises for which they desire telephone service as a permanent residential premise and that the applicant is the owner of the permanent residential premises for which service is being sought. The commission has determined that the residence is in an uncertificated area in Reagan County. This uncertificated area is bordered by Wes-Tex Telephone Company (Stanton, Texas) and Verizon (Sterling City Exchange, San Angelo, Texas). The applicant has committed to pay the "aid to construction charge" for service to the premises as determined by the commission (not to exceed \$3,000) pursuant to P.U.C. Substantive Rule §26.421(d)(3)(D). In addition they have agreed to enter into an assignable agreement for subscription to basic local service to the premise for a period of time determined by the commission (not to exceed 7 years) pursuant to P.U.C. Substantive Rule §26.421(d)(3)(E). The applicant has nominated, as required by P.U.C. Substantive Rule §26.241(d)(2)(C), Wes-Tex Telephone Company and Verizon, and are open to accept service from other carriers to provide local service to their residence.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 36097.

TRD-200805302
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 2, 2008

◆ ◆ ◆
**Public Notice of North Texas Telephone Company's Statement
of Intent to Offer a New Service Pursuant to P.U.C. Substantive
Rule §26.209(c)**

Notice is given to the public of North Texas Telephone Company's application filed with the Public Utility Commission of Texas (commission) on October 6, 2008, for approval of a new service pursuant to P.U.C. Substantive Rule §26.209.

Tariff Control Title and Number: Statement of Intent by North Texas Telephone Company to Offer a New Service; Private Branch Exchange

(PBX) Trunk Services to its Customers Pursuant to P.U.C. Substantive Rule §26.209(c); Tariff Control Number 36232.

The Application: On October 6, 2008, North Texas Telephone Company (North Texas Telephone) filed an application, pursuant to the P.U.C. Substantive Rule §26.209, to begin offering a new service, PBX Trunk Services on December 1, 2008. PBX Trunk Service is a voice-grade channel that connects a Customer-provided private branch exchange to the public switched telecommunications network. North Texas Telephone plans to offer the PBX Trunk service to all classes of customers throughout its service territory and exchanges where technically feasible. North Texas Telephone is adopting the approved tariff pages of Verizon Southwest, Inc. for its PBX Trunk Service.

Persons wishing to comment on this application should contact the Public Utility Commission of Texas by November 20, 2008. Comments or requests to intervene should be filed with the commission's Filing Clerk at P.O. Box 13326, Austin, Texas 78711-3326, or you may call the commission at (512) 936-7120 or toll-free at 1-800-735-2989. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Tariff Control Number 36232.

TRD-200805337
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 8, 2008

◆ ◆ ◆
**Public Notice of Peoples Telephone Cooperative, Inc.'s
Statement of Intent to Offer a New Service Pursuant to P.U.C.
Substantive Rule §26.209(c)**

Notice is given to the public of Peoples Telephone Cooperative, Inc. (Peoples Telephone) application filed with the Public Utility Commission of Texas (commission) on October 2, 2008, for approval of a new service pursuant to P.U.C. Substantive Rule §26.209.

Tariff Control Title and Number: Statement of Intent of Peoples Telephone Cooperative, Inc. to offer a New Service Pursuant to P.U.C. Substantive Rule §26.209(c); Tariff Control Number 36225.

The Application: On October 2, 2008, Peoples Telephone Cooperative, Inc. (Peoples Telephone) filed an application, pursuant to the P.U.C. Substantive Rule §26.209, to begin offering the Incidental Service Charge to its customers on November 1, 2008. The Incidental Service Charge is applicable each time an existing customer requests additions or changes or services such as call management services or other ancillary services offered by Peoples Telephone, which requires a change to the central office data base, except when required or requested by the utility. This charge is only applicable when the primary or secondary service charge does not apply. Peoples Telephone is adopting the approved tariff pages of Windstream Sugar Land, Inc. for its Incidental Service Charge.

Persons wishing to comment on this application should contact the Public Utility Commission of Texas by October 21, 2008. Comments or requests to intervene should be filed with the commission's Filing Clerk at P.O. Box 13326, Austin, Texas 78711-3326, or you may call the commission at (512) 936-7120 or toll-free at 1-800-735-2989. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Tariff Control Number 36225.

TRD-200805308

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 3, 2008



Public Notice of Workshops - Oncor Electric Delivery AMS Low Income Program

The staff of the Public Utility Commission of Texas will hold workshops relating to the distribution of in-home monitors for eligible low-income customers pursuant to the Final Order in Docket Number 35718, *Oncor Electric Delivery Company, LLC's Request for Approval of Advanced Metering System (AMS) Deployment Plan and Request for Advanced Metering System (AMS) Surcharge*. These workshops will be held on Friday, October 17, 2008; Monday, November 10, 2008; and Wednesday, November 19, 2008, at 9:30 a.m., in the Commissioners' Hearing Room, located on the 7th floor of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. Project Number 36234 has been established for this proceeding.

Questions concerning the workshops or this notice should be referred to Christine Wright, Competitive Markets Division, at (512) 936-7376. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

TRD-200805338
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 8, 2008



Request for Proposals for Court Reporting Services

The Public Utility Commission of Texas (PUCT or commission) is issuing a Request for Proposals (RFP) for court reporting services. The Public Utility Regulatory Act (PURA) requires the PUCT to keep a record of each proceeding and to retain a transcript and related exhibits in any matter in which the commission issues an order. PURA §14.055 and §14.057.

Proposers should have experience in providing reporting, transcription, and document management services, including producing transcripts of meetings, workshops, and hearings. The PUCT encourages Historically Underutilized Businesses (HUBs) to compete for this award.

The PUCT has determined that subcontracting opportunities are possible for this contract and encourages proposers to subcontract with HUBs as defined in Texas Government Code §2161.001 et seq. Proposers may choose to subcontract any portion or all of the services to one or more HUBs.

The closing date and time for receipt of proposals is 5:00 p.m. on Friday, November 7, 2008.

RFP documentation may be obtained by contacting Chris Wood:

Chris Wood, Purchaser
Public Utility Commission of Texas
P.O. Box 13326
Austin, TX 78711-3326
(512) 936-7069
chris.wood@puc.state.tx.us

RFP documentation also is located on the PUCT website at <http://www.puc.state.tx.us/about/procurement/currenttrfps.cfm>

TRD-200805294
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: October 2, 2008



Texas Residential Construction Commission

Applications for Texas Star Builder

The Texas Residential Construction Commission (commission) adopted a rule regarding the procedures for designation as a "Texas Star Builder" at 10 TAC §303.300. The rule was adopted pursuant to §416.011, Texas Property Code (Act effective September 1, 2003), which provides that the commission shall establish rules and procedures through which a builder can be designated as a "Texas Star Builder." The commission's rule for application for designation can be found on the commission's website at www.trcc.state.tx.us.

10 TAC §303.300(i)(2) requires the commission to publish in the *Texas Register* notice of the application of each person seeking to become designated as a "Texas Star Builder" registered under 10 TAC Chapter 303. The commission will accept public comment on each application for 21 days after the date of publication of the notice. Information provided in response to this notice will be utilized in evaluating the applicants for approval. The Texas Star Builder designation requires that a builder or remodeler demonstrate that its education, experience and commitment to professionalism sets the builder or remodeler apart from its peers and offers some assurance to its customers that its quality of service and construction will be above average.

Pursuant to 10 TAC §303.300(i)(2) the commission hereby notices the applications for designation as a "Texas Star Builder" of:

Johnson Homes, Inc., 4238 Pirates Beach, Galveston, Texas 77554; TRCC builder registration certificate #1544; and the registered agent is Gary Johnson.

Campbell Garrett Distinctive Homes & Estates, L.P., 207 Morton Street, Richmond, Texas 77554; TRCC builder registration certificate #31278; and the registered agent is Scott Lease.

Interested persons may send written comments regarding this application to Susan K. Durso, General Counsel, Texas Residential Construction Commission, P.O. Box 13509, Austin, Texas 78711-3509. Comments regarding this application will be accepted for 21 days following the date of publication of this notice in the *Texas Register*. Thereafter, the comments will not be considered as timely filed.

TRD-200805310
Susan K. Durso
General Counsel
Texas Residential Construction Commission
Filed: October 6, 2008



Texas Department of Transportation

Aviation Division - Request for Proposal for Aviation Architectural/Engineering Services

The County of Ector, through its agent the Texas Department of Transportation (TxDOT), intends to engage an aviation professional engineering firm for services pursuant to Government Code, Chapter 2254, Subchapter A. TxDOT Aviation Division will solicit and receive pro-

posals for professional aviation architectural/engineering design services described below:

Airport Sponsor: Ector County, Texas. TxDOT CSJ No. 09TBODESA. Scope: Provide architectural/engineering design services to construct new terminal building and associated parking and road improvements at the Odessa-Schlemeyer Field Airport.

The HUB Participation Goal for this project is 6%. TxDOT Project Manager is John Greer, P.E.

To assist in your proposal preparation the criteria, 5010 drawing, and most recent airport layout plan are available online at www.txdot.gov/avn/avninfo/notice/consult/index.htm by selecting "Odessa-Schlemeyer Field Airport."

Interested firms shall utilize the latest version of Form AVN-550, titled "Aviation Engineering Services Proposal." The form may be requested from TxDOT Aviation Division, 125 East 11th Street, Austin, Texas 78701-2483, phone number, 1-800-68-PILOT (74568). The form may be e-mailed by request or downloaded from the TxDOT website at www.txdot.gov/services/aviation/consultant.htm.

The form may not be altered in any way. All printing must be in black on white paper, except for the optional illustration page. Firms must carefully follow the instructions provided on each page of the form. Proposals may not exceed the number of pages in the proposal format. The proposal format consists of seven pages of data plus two optional pages consisting of an illustration page and a proposal summary page. Proposals shall be stapled but not bound in any other fashion. PROPOSALS WILL NOT BE ACCEPTED IN ANY OTHER FORMAT.

ATTENTION: To ensure utilization of the latest version of Form AVN-550, firms are encouraged to download Form AVN-550 from the TxDOT website as addressed above. Utilization of Form AVN-550 from a previous download may not be the exact same format. Form AVN-550 is a PDF Template.

Please note:

Seven completed, unfolded copies of Form AVN-550 **must be received** by TxDOT Aviation Division at 150 East Riverside Drive, 5th Floor, South Tower, Austin, Texas 78704 no later than November 7, 2008, 4:00 p.m. Electronic facsimiles or forms sent by e-mail will not be accepted. Please mark the envelope of the forms to the attention of Edie Stimach.

The consultant selection committee will be composed of local government members. The final selection by the committee will generally be made following the completion of review of proposals. The committee will review all proposals and rate and rank each. Below is the criterion for evaluation architectural/engineering proposals. All firms will be notified and the top rated firm will be contacted to begin fee negotiations. The selection committee does, however, reserve the right to conduct interviews for the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

If there are any procedural questions, please contact Edie Stimach, Grant Manager at 1-800-68-PILOT at extension 4518. For technical questions, please contact John Greer, at 1-800-68-PILOT at extension 4528.

CRITERIA FOR EVALUATING ARCHITECT/ENGINEER PROPOSALS

The Sponsor Selection Committee will use the following criterion to evaluate architectural/engineering proposals:

1. Recent experience of the project team with comparable airport projects within the past five years. (20 points)

Does the proposal indicate that the project team has recent direct experience on other general aviation airports designing similar improvements to those proposed at this location? (Sources of information: Aviation Project Design Team Form, Recent Relevant Airport Experience Form, and possibly the Proposal Summary.)

2. Proposed technical approach (20 points)

Does the architect/engineer provide evidence of understanding of the project; and any unique architectural/engineering aspects associated with the proposed project and how to address them? (Sources of information: Proposed Technical Approach to Project, and possibly the Proposal Summary.)

3. Ability to meet schedules and deadlines (20 points)

Does the proposed design team have sufficient time to work on this project? Has the firm demonstrated an ability to meet design schedules in the past? (Sources of information: Aviation Project Design Team Form, Recent Relevant Airport Experience Form, and possibly the Proposal Summary.)

4. Project design schedule (20 points)

Reasonableness of proposed schedule (Sources of information: Project Design Schedule Form and possibly the Proposal Summary.)

5. Construction Management Experience (20 points)

The consultant will oversee the airport construction. Therefore, it is critical that the architect/engineer be involved in the day-to-day construction activities through a full-time resident project representative and periodic site visits. What evidence does the proposal provide as to the architect's/engineer's commitment to proactive and consistent representation during construction? (Source of information: Relevant Airport Experience form; proposed Technical Approach to Project; and possibly the Proposal Summary.)

TRD-200805316

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: October 7, 2008



Aviation Division - Request for Proposal for Aviation Architectural/Engineering Services

The County of Limestone, through its agent the Texas Department of Transportation (TxDOT), intends to engage an aviation professional architectural/engineering firm for services pursuant to Government Code, Chapter 2254, Subchapter A. TxDOT Aviation Division will solicit and receive proposals for professional aviation architectural/engineering design services described below:

Current Project: Limestone County Airport. TxDOT CSJ No. 08TB-MEXIA. Scope: Provide architectural/engineering services to update existing plans for the design of a new Airport Terminal Building.

There is no HUB Goal for this project. TxDOT Project Manager is John Greer, P. E.

To assist in your proposal preparation, the most recent Airport Layout Plan, 5010 drawing, and the criteria are available online at www.dot.state.tx.us/avn/avninfo/notice/consult/index.htm by selecting Limestone County Airport. The proposal should address a technical approach for the current scope.

Interested firms shall utilize the latest version of Form AVN-550, titled "Aviation Architectural/Engineering Services Proposal." The form may be requested from TxDOT Aviation Division, 125 East 11th Street,

Austin, Texas 78701-2483, phone number, 1-800-68-PILOT (74568). The form may be e-mailed by request or downloaded from the TxDOT website at www.dot.state.tx.us/services/aviation/consultant.htm.

The form may not be altered in any way. All printing must be in black on white paper, except for the optional illustration page. Firms must carefully follow the instructions provided on each page of the form. Proposals may not exceed the number of pages in the proposal format. The proposal format consists of seven pages of data plus two optional pages consisting of an illustration page and a proposal summary page. Proposals shall be stapled but not bound in any other fashion. PROPOSALS WILL NOT BE ACCEPTED IN ANY OTHER FORMAT.

ATTENTION: To ensure utilization of the latest version of Form AVN-550, firms are encouraged to download Form AVN-550 from the TxDOT website as addressed above. Utilization of Form AVN-550 from a previous download may not be the exact same format. Form AVN-550 is a PDF Template.

Please note:

Seven completed, unfolded copies of Form AVN-550 **must be received** by TxDOT Aviation, Division at 150 East Riverside Drive, 5th Floor, South Tower, Austin, Texas 78704 no later than November 7, 2008, 4:00 p.m. Electronic facsimiles or forms sent by e-mail will not be accepted. Please mark the envelope of the forms to the attention of Edie Stimach.

The Consultant Selection Committee (committee) will be composed of local government members. The final selection by the committee will generally be made following the completion of review of proposals. The committee will review all proposals and rate and rank each. Below is the criterion for evaluating architectural/engineering proposals. All firms will be notified and the top rated firm will be contacted to begin fee negotiations. The committee does, however, reserve the right to conduct interviews for the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

If there are any procedural questions, please contact Edie Stimach, Grant Manager at 1-800-68-PILOT at extension 4518. For technical questions, please contact John Greer at 1-800-68-PILOT at extension 4528.

CRITERIA FOR EVALUATING ARCHITECT/ENGINEER PROPOSALS

The committee, in evaluating detailed proposals from the listed architects/engineers, will use the following criteria:

1. Recent experience of the project team with comparable airport projects within the past five years. (20 points)

Does the proposal indicate that the project team has recent direct experience on other general aviation airports designing similar improvements to those proposed at this location? (Sources of information: Aviation Project Design Team Form, Recent Relevant Airport Experience Form, and possibly the Proposal Summary.)

2. Proposed technical approach (20 points)

Does the architect/engineer provide evidence of understanding of the project and any unique architectural/engineering aspects associated with the proposed project and how to address them? (Sources of information: Proposed Technical Approach to Project, and possibly the Proposal Summary.)

3. Ability to meet schedules and deadlines (20 points)

Does the proposed design team have sufficient time to work on this project? Has the firm demonstrated an ability to meet design schedules

in the past? (Sources of information: Aviation Project Design Team Form, Recent Relevant Airport Experience Form, and possibly the Proposal Summary.)

4. Project design schedule (20 points)

Reasonableness of proposed schedule (Sources of information: Project Design Schedule Form and possibly the Proposal Summary.)

5. Construction Management Experience (20 points)

The consultant will oversee the airport construction. Therefore, it is critical that the architect/engineer be involved in the day-to-day construction activities through a full-time resident project representative and periodic site visits. What evidence does the proposal provide as to the architect's/engineer's commitment to proactive and consistent representation during construction? (Source of information: Relevant Airport Experience form; proposed Technical Approach to Project; and possibly the Proposal Summary.)

TRD-200805317

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: October 7, 2008



Aviation Division - Request for Proposal for Aviation Engineering Services

The County of Andrews, through its agent the Texas Department of Transportation (TxDOT), intends to engage an aviation professional engineering firm for services pursuant to Government Code, Chapter 2254, Subchapter A. TxDOT Aviation Division will solicit and receive proposals for professional aviation engineering design services described below.

The following is a listing of proposed projects at the Andrews County Airport during the course of the next five years through multiple grants.

Current Project: Andrews County. TxDOT CSJ No.: 0906ANDRW. Scope: Replace VASIs with PAPI-4s Runway 16-34 at the Andrews County Airport.

There is no DBE Participation Goal for the current project. TxDOT Project Manager is Russell Deason.

Future scope work items for engineering/design services within the next five years may include but are not necessarily limited to the following:

1. Rehabilitate taxiways and apron.
2. Rehabilitate and mark Runways 2-20 and 16-34.

The County of Andrews reserves the right to determine which of the above scope of services may or may not be awarded to the successful firm and to initiate additional procurement action for any of the services above.

To assist in your proposal preparation, the criteria, 5010 drawing, project narrative, and most recent Airport Layout Plan are available online at www.txdot.gov/avn/avninfo/notice/consult/index.htm by selecting "Andrews County Airport." The proposal should address a technical approach for the current scope only. Firms shall use page 4, Recent Airport Experience, to list relevant past projects for both current and future scope.

Interested firms shall utilize the latest version of Form AVN-550, titled "Aviation Engineering Services Proposal." The form may be requested from TxDOT Aviation Division, 125 East 11th Street, Austin, Texas

78701-2483, phone number, 1-800-68-PILOT (74568). The form may be e-mailed by request or downloaded from the TxDOT website at www.txdot.gov/services/aviation/consultant.htm. The form may not be altered in any way. All printing must be in black on white paper, except for the optional illustration page. Firms must carefully follow the instructions provided on each page of the form. Proposals may not exceed the number of pages in the proposal format. The proposal format consists of seven pages of data plus two optional pages consisting of an illustration page and a proposal summary page. Proposals shall be stapled but not bound in any other fashion. PROPOSALS WILL NOT BE ACCEPTED IN ANY OTHER FORMAT.

ATTENTION: To ensure utilization of the latest version of Form AVN-550, firms are encouraged to download Form AVN-550 from the TxDOT website as addressed above. Utilization of Form AVN-550 from a previous download may not be the exact same format. Form AVN-550 is a PDF Template.

Please note:

Six completed, unfolded copies of Form AVN-550 **must be received** by TxDOT Aviation Division at 150 East Riverside Drive, 5th Floor, South Tower, Austin, Texas 78704 no later than November 7, 2008, 4:00 p.m. Electronic facsimiles or forms sent by e-mail will not be accepted. Please mark the envelope of the forms to the attention of Edie Stimach.

The Consultant Selection Committee (committee) will be composed of Aviation Division staff and one local government member. The final selection by the committee will generally be made following the completion of review of proposals. The committee will review all proposals and rate and rank each. The criteria for evaluation engineering proposals can be found at <http://www.txdot.gov/services/aviation/consultant.htm>. All firms will be notified and the top rated firm will be contacted to begin fee negotiations. The committee does, however, reserve the right to conduct interviews for the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

Please contact TxDOT Aviation for any technical or procedural questions at 1-800-68-PILOT (74568). For procedural questions, please contact Edie Stimach, Grant Manager. For technical questions, please contact Russell Deason, Project Manager.

TRD-200805318

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: October 7, 2008

◆ ◆ ◆
Workforce Solutions Brazos Valley Board

Notice of Release of Request for Proposals for Appeal
Hearings Officer(s)

On October 6, 2008, Workforce Solutions Brazos Valley Board (WS-BVB) will release a Request for Proposals (RFP) for Hearing Officer(s) to provide arbitration services for WSBVB and its programs in the following counties: Brazos, Burleson, Grimes, Leon, Madison, Robertson, and Washington. The Board is seeking a single contractor qualified and experienced in providing these services. The complete scope of required services and the proposal requirements are contained in the RFP which may be viewed and downloaded at www.bvjobs.org.

A bidder's conference will be held at the office of Workforce Solutions Brazos Valley Board, 3991 East 29th Street, Bryan, Texas 77802 on October 20, 2008 at 10:00 a.m. CST. Bidders may submit questions by e-mail to JBienski@bvcog.org up until the Bidders conference. All questions and answers will be posted on www.bvjobs.org by October 24, 2008.

Due Date: An original and five copies of a written proposal are due to the Board's offices no later than Thursday, November 6, 2008, at 3:00 p.m. CST. Faxed or e-mail proposals are not acceptable. Proposals received after the indicated due date and time regardless of delivery method will not be accepted or considered for award.

Proposals may be hand delivered to:

ATTENTION: APPEAL HEARINGS OFFICER(S) PROPOSAL

Joseph Bienski, Program Specialist

Workforce Solutions Brazos Valley Board

3991 East 29th Street

Bryan, Texas 77802

Proposals may be mailed to:

ATTENTION: APPEAL HEARINGS OFFICER(S) PROPOSAL

Joseph Bienski, Program Specialist

Workforce Solutions Brazos Valley Board

P.O. Drawer 4128

Bryan, Texas 77805

E-mail address for questions only: JBienski@bvcog.org

Proposals received after the deadline will not be considered. WSBVB accepts no responsibility for late proposals.

TRD-200805303

Tom Wilkinson

Executive Director

Workforce Solutions Brazos Valley Board

Filed: October 2, 2008
◆ ◆ ◆

How to Use the Texas Register

Information Available: The 14 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Texas Department of Banking - opinions and exempt rules filed by the Texas Department of Banking.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Review of Agency Rules - notices of state agency rules review.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 33 (2008) is cited as follows: 33 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "33 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 33 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online through the Internet. The address is: <http://www.sos.state.tx.us>. The *Register* is available in an .html

version as well as a .pdf (portable document format) version through the Internet. For website subscription information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State's website at <http://www.sos.state.tx.us/tac>. The following companies also provide complete copies of the TAC: Lexis-Nexis (800-356-6548), and West Publishing Company (800-328-9352).

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §3.704.....950, 1820

The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).